

Page 102

1 written complaint about me.' Maura said, 'Gretchen lied!
2 Would you like to see the letter that I wrote?' 'I've
3 already seen it.' 'You saw the letter that I gave to
4 Gretchen?' she asked. 'Yes, I saw the letter.' Then she
5 said, 'You are part of the problem' (2). 'You have done many
6 inappropriate things.' When I started to respond, they
7 turned -- "she turned and walked away."

8 Q. And I think that "2" that we saw refers to this
9 little side note here. Could you read this little side note?
10 A. "I said, 'What is the problem?' And 'that's your
11 perspective.'"

12 Q. Thank you.

13 Did anyone ever discuss an incident like this with
14 you? Does this incident sound at all familiar?

15 MS. ANGELL: Objection. That question is
16 compound. Could we maybe have one question at a time.
17 BY MS. LARKINS:

18 Q. Certainly. Does this incident that you have just
19 read about sound at all familiar to you?

20 A. It's vaguely familiar, but I didn't know the
21 details. I knew that there was a problem with -- you had
22 with Jo Ellen, but I don't know and I still don't know what
23 the problem was about.

24 Q. Well --

25 A. Now I can see I guess.

Page 104

1 document which is marked but not entered as Exhibit 24. It
2 lacks foundation, and it's been represented that these are
3 notes done by plaintiff herself, not anything that this
4 witness would have personal knowledge of.

5 I also object on the basis that it lacks -- the
6 question is not relevant. It's not designed to lead to the
7 discovery of admissible evidence in the case at bar.

8 BY MS. LARKINS:

9 Q. Thank you.

10 Could you read that first sentence.

11 A. "I talked to Maria on 2-25."

12 Q. Okay. You know what, I think I'll read the next
13 part because my handwriting was so messy that it would be an
14 imposition to ask you to decipher it. "Tuesday or Wednesday,
15 February 20th or 21st, Linda had been talking with Jo Ellen
16 and Denmon. Linda W. asked about me." And then it says
17 "Linda" with a colon there, but this was actually Maria who
18 said this quote, and I'll read Maria's quote. "Two maybe
19 three people on staff initiated the destruction of another
20 teacher's career." And then it shows Linda Watson -- Linda
21 W. saying something, and Linda W. -- could you read what is
22 written there that Linda W. says?

23 A. You mean the second one where it says Linda W.
24 right there?

25 Q. Right here.

Page 103

1 Q. This is the reason that Maura Larkins was placed
2 on leave on February 12th, 2001.

3 MS. ANGELL: Do you have a question?

4 MS. LARKINS: Except for the question of the
5 second caller.

6 MS. ANGELL: Move to strike the plaintiff's
7 testimony given there since we don't have a question.

8 BY MS. LARKINS:

9 Q. Did you ever tell anybody that you thought Maura
10 Larkins was the type of person who became a mass murderer?

11 A. No, I never said anything like that.

12 Q. I have a two-page document which I ask to be
13 marked as Exhibit 24.

14 (Plaintiff's Exhibit No. 24 was marked for
15 identification.)

16 BY MS. LARKINS:

17 Q. I represent that this is a copy of some notes I
18 took very messily on -- in February of 2001. The top where
19 it says "Salem syndrome. Respect for all. Apple and tree.
20 Parents, slash, clothes," that's just some notes about what I
21 was thinking. The part of this note that's -- I'd like to
22 bring special attention to is the note that occurs past
23 the -- below the diagonal line that I drew there. Could you
24 read the first sentence there below the diagonal line?

25 MS. ANGELL: I object to reference and use of this

Page 105

1 MS. ANGELL: Let the report reflect that plaintiff
2 is pointing to a section at the bottom of the document marked
3 as Exhibit 24.

4 MS. LARKINS: Thank you.

5 THE WITNESS: "Do you really think Maura is
6 dangerous. That's what they say about people who are mass
7 murderers."

8 BY MS. LARKINS:

9 Q. Okay. And since my handwriting gets pretty messy
10 here, I will do the reading from now on. Then I have Linda,
11 colon, "That's why we didn't want to team with her." And
12 then in these quotation marks, that is not what Linda said.
13 That was my own note, "but it was after two or three days
14 without talking to me."

15 Okay. And then it says "Linda said there was a
16 meeting where Maria was not present where I was very
17 violent," and the "I" referred to Maura Larkins. Could you
18 read -- at the very bottom there are four lines of a quote
19 from Linda W. Could you read that.

20 MS. ANGELL: I object to the characterization of
21 anything written on this document as a quote from Linda
22 Watson. This document lacks foundation, is not authenticated,
23 and purportedly is a document based on plaintiff's
24 representations that she created.

25 ///

Page 106

1 BY MS. LARKINS:

2 Q. I did not say Linda Watson I don't think. I tried
3 to say Linda W.

4 Could you read that last four lines?

5 A. "We're scared of her. Her way of doing things is
6 so different from ours."

7 Q. Did you ever tell anyone that you believed Maura
8 Larkins' way of doing things was different from yours?

9 A. I don't remember saying that.

10 Q. Ever?

11 A. I don't remember saying that, no.

12 Q. Do you remember thinking that?

13 MS. ANGELL: Vague and ambiguous as to time.

14 BY MS. LARKINS:

15 Q. Was that ever a thought that entered your mind,
16 that Maura Larkins did things differently from you?

17 A. No. I mean, everybody does things differently.
18 you know. Everybody does things in their own way. It
19 doesn't make sense.

20 Q. Was there anything about the way Maura Larkins did
21 things that bothered you?

22 MS. ANGELL: Vague and ambiguous as to time.

23 BY MS. LARKINS:

24 Q. Ever. Ah, let's say before Maura Larkins sued
25 you.

Page 107

1 A. You have to be more specific. What time are you
2 talking about?

3 Q. Okay. When Maura Larkins came to Castle Park
4 school as the bilingual teacher, did -- was her class
5 included in the 3rd grade academic teaming?

6 A. In the beginning -- the first year? I don't
7 remember. I know you were either that first year or the
8 second year.

9 MS. ANGELL: I'm going to object to this line of
10 questioning, wherever it's going. I'm assuming that
11 Ms. Larkins came to work at Castle Park Elementary School at
12 some point. It's not established I don't think on this
13 record. I'm assuming that she came to work at some point
14 prior to the '00-'01 school year. Therefore, these questions
15 are not reasonably calculated to lead to the discovery of
16 admissible evidence whether or not Ms. Larkins' classroom was
17 on a teaming schedule with other teachers in the 1990s or
18 1980s whenever she came to that school.

19 MS. LARKINS: I would like to ask that this
20 document be marked as Exhibit 3.

21 (Plaintiff's Exhibit No. 3 was marked for
22 identification.)

23 BY MS. LARKINS:

24 Q. Does it seem to you that Maura Larkins came to
25 Castle Park around the fall of '97, 1997? Does that sound

Page 108

1 about right?

2 A. I don't know. I don't know.

3 Q. Okay. About how many years do you think that
4 Maura Larkins taught at Castle Park before she was taken out
5 of her classroom?

6 A. Gosh, I don't know.

7 Q. Well, was it more like 20 or more like two or --

8 A. No, it wasn't 20 years. Approximately I'd say
9 five years, something like that. But I'm just guessing.

10 MS. ANGELL: Would that be an estimate or a guess?

11 THE WITNESS: Estimate.

12 BY MS. LARKINS:

13 Q. Would you believe me if I told you that she came
14 in 1997, and like I say, got that -- '98 would be -- '98,
15 '99, 2000. So it would have been three and a half years
16 before she was taken out of her classroom? Does that sound
17 about right to you?

18 A. I guess so.

19 Q. Okay. We can establish that at some other time.

20 Okay. Now, do you recall Richard Denmon saying
21 that he did not want to team with Maura Larkins?

22 MS. ANGELL: Vague and ambiguous as to time.

23 BY MS. LARKINS:

24 Q. Ever.

25 MS. ANGELL: And I renew my objection on

Page 109

1 relevance. This stuff about teaming is not reasonably
2 calculated to lead to the discovery of admissible evidence
3 with regard to causes of action for alleged use of
4 information from a record of arrest in the year 2000 and
5 thereafter.

6 THE WITNESS: Ask the question again, please.

7 BY MS. LARKINS:

8 Q. Did Richard Denmon ever tell you that he didn't
9 want to team with Maura Larkins?

10 A. We did team with you, so it wasn't a matter of if
11 we wanted to or not. We did team with you in more than one
12 year while you were there.

13 Q. Okay. Let me see how I can do this. Before you
14 and Richard Denmon began to team with Maura Larkins, had
15 Richard Denmon said that he didn't want to team with Maura
16 Larkins?

17 A. I don't -- I don't remember.

18 Q. Okay. Let's look at Exhibit 3. At the top it
19 says Chula Vista Elementary School District, Summary
20 Evaluation Report, and the name on it is Maura Larkins. The
21 job description title is 3rd grade bilingual teacher. And if
22 you look at the last of the three pages, you'll see that it
23 is dated April 28th, '00, which is 2000.

24 Okay. I would like to look at the first page, the
25 very last sentence on the page which is under "Instructional

Page 110

1 Techniques"? There's a box under "Instructional Techniques"
2 and a paragraph of writing. The very last sentence there,
3 could you please read that sentence.

4 MS. ANGELL: I object to the use of this document.
5 It lacks foundation and is not authenticated, and it also is
6 not reasonably calculated -- questions on this document are
7 not reasonably calculated to lead to the discovery of
8 admissible evidence with regard to causes of action related
9 to using information from a record of arrest or causes of
10 action against Mr. Carlson for slander or Mr. Carlson and
11 Ms. Donlan for conspiracy to slander. Those are the only
12 causes of action we have here. Could we please talk about
13 something that relates to the causes of action that exist.
14 BY MS. LARKINS:

15 Q. It says, "Maura took a leadership role with her
16 team this year to offer students an equitable and consistent
17 program."

18 Okay. So it appears that in the year -- school
19 year 1999 to 2000 there was some sort of change in the --
20 her -- Maura Larkins' team.

21 MS. ANGELL: Objection. Assumes facts not in
22 evidence, and that's not a question. Therefore, I move for
23 it to be stricken from the record.

24 BY MS. LARKINS:

25 Q. Is 1999 to 2000 the school year in which you began

Page 112

1 THE VIDEOGRAPHER: We're off the record. The time
2 is 3:29 p.m.

3 (Recess taken.)

4 THE VIDEOGRAPHER: We're back on the record. The
5 time is 3:39 p.m.

6 MS. ANGELL: Now that we're back on the record,
7 Ms. Watson indicated to me on the break that she needs to
8 make a correction to earlier testimony.

9 Go ahead.

10 THE WITNESS: In regards to phoning Rick Werlin
11 on -- I don't know if it was a weekend night or whatever,
12 I've thought about it, and I may have called him, but I do
13 not remember reaching him. And I don't even remember what
14 the purpose of the call was.

15 BY MS. LARKINS:

16 Q. Thank you. Do you think that might have been in
17 February 2001?

18 A. I don't remember.

19 Q. Okay. Was it about -- in reference to Maura
20 Larkins?

21 A. I don't remember. I don't remember what it was
22 about. And I was trying to figure out when it could have
23 been made, and I can't -- I can't put the dates together as
24 to when it would make sense.

25 Q. But you believe that you -- at most you only

Page 111

1 to do academic teaming with Maura Larkins?

2 A. I don't remember. I don't remember the dates.

3 Q. Do you remember there ever having been a time
4 where you did not do teaming with Maura Larkins?

5 A. It's -- I remember there was one year that we
6 decided not to team with you on the elective subjects like
7 art, social studies, but we did continue to team with you on
8 P.E.

9 Q. So it is your testimony that when Maura Larkins
10 first came to Castle Park, you included her classroom in your
11 grade level's academic teaming?

12 A. I don't know what year it was that we started, but
13 it seems like it was the first or the second year that you
14 were there that we got our team together and we established
15 this teaming of all of our children.

16 Q. Okay. Is it possible that the first two years
17 that the only teaming that was done was P.E.?

18 A. I don't remember.

19 Q. Does that sound like that might be right?

20 MS. ANGELL: Asked and answered.

21 THE WITNESS: I don't know.

22 MS. LARKINS: It's a different question.

23 THE WITNESS: I don't remember.

24 MS. LARKINS: Okay. Okay. Can we take a break?

25 MS. ANGELL: Fine.

Page 113

1 called him one time ever?

2 A. Yes. I'm -- you know, I want to say I'm pretty
3 sure that if I did, and I'm not even sure I did, that it was
4 one time to his house on a weekend. But I did not reach him,
5 did not have a conversation with him at that time.

6 MS. ANGELL: Could I ask a question on that?

7 Do you remember whether or not you called or are
8 you just saying that you don't remember not calling?

9 THE WITNESS: I don't remember whether I called or
10 not. But I want to be careful how I answer that. I don't
11 remember whether I called him or not at home.

12 MS. ANGELL: Okay. Thanks.

13 THE WITNESS: It's been about three or four years
14 ago, and I -- you know, it's been a long time ago. A lot's
15 happened since then.

16 BY MS. LARKINS:

17 Q. Assuming that you did call Rick Werlin or attempt
18 to call him, it would have been a matter of significant
19 importance, would it not, about which you called him?

20 MS. ANGELL: Calls for speculation. That's an
21 objection.

22 BY MS. LARKINS:

23 Q. Is Rick Werlin a personal friend of yours?

24 A. No.

25 Q. Is it possible that you called him up just to chat?

Page 114

1 A. No.
2 Q. So if you called Rick Werlin at home, it would
3 have been something related to Chula Vista School District?
4 A. Yes.
5 Q. If you called Rick Werlin at home, it would have
6 been related to some important matter?
7 A. Pardon me. Yes.
8 Q. Is it possible that you called him regarding Maura
9 Larkins?
10 A. It's possible.
11 Q. Okay. Thank you. Could I ask you to look at
12 Exhibit 20. It's these notes of Gretchen Donndelinger dated
13 4-20-01.
14 MS. ANGELL: And I'm going to object to the
15 characterization as the document marked as Exhibit 20 but not
16 entered as notes of Gretchen Donndelinger. The document
17 lacks foundation. We actually have no idea what it is other
18 than it's a piece of -- it's some sort of document that's two
19 pieces of paper stapled together.
20 BY MS. LARKINS:
21 Q. Okay. I'd like you to look at the second page of
22 these two pages. There are four lines together and then
23 there is a space and then there's a second area of writing.
24 Could you read that second area of writing, those three lines.
25 A. "The truth will come out," that one?

Page 115

1 Q. Uh-huh.
2 A. "The truth will come out in court. We'll all take
3 lie detector test. The truth will come out."
4 Q. Okay. Looking back on the previous page, do you
5 see that someone has written "Linda Watson" with a sort of
6 strange "L" that looks more like an "S," and then there is an
7 area of writing that continues through and including the
8 sentence you just wrote -- read?
9 A. Is there a question? Is that a question?
10 Q. I'm asking you, are you with me? Do you see
11 that -- that this sentence you just read is part of this
12 group of lines written under the name Linda Watson?
13 MS. ANGELL: Objection. The document speaks for
14 itself.
15 BY MS. LARKINS:
16 Q. Okay. So I think we're on the same page now.
17 These notes seem to be indicating that this passage is
18 something that you said to Gretchen Donndelinger and she
19 wrote down. This does sound a lot like what you were quoting
20 regarding the incident that same morning, April 20th, 2001 at
21 Loma Verde.
22 MS. ANGELL: I'm going to object to plaintiff's
23 comments because they are not a question and move to strike
24 them and request that plaintiff ask questions of this witness
25 rather than testify.

Page 116

1 MS. LARKINS: I'm sorry. I'll try. I'll do my
2 best. I'm really not trying to irritate anyone.
3 Q. Do you believe that you said these words to
4 Gretchen Donndelinger on April 20th, 2001?
5 MS. ANGELL: Objection. Vague and ambiguous.
6 Answer if you understand.
7 THE WITNESS: I haven't read it. You want me to
8 read it? I haven't read it completely.
9 MS. LARKINS: Sure. Go ahead.
10 THE WITNESS: It's kind of hard to read.
11 MS. ANGELL: If you could be more specific about
12 what words you're talking about, I think I could hold off
13 from making the objection.
14 BY MS. LARKINS:
15 Q. Okay.
16 A. I don't -- I can't read that. I don't know what
17 that means. 12 years?
18 Q. Perhaps known 12 years, known Maura since Rice?
19 A. Oh, okay. Then what does that say in parentheses?
20 Q. Gosh, something that -- loner maybe, loner there?
21 Would you have said something like that? I'm just guessing.
22 A. I don't know.
23 Q. Lover?
24 A. Lover there, didn't say that.
25 Q. Oh, come on.

Page 117

1 A. Is that supposed to be me?
2 MS. ANGELL: I have no idea. Did you create this
3 document?
4 THE WITNESS: No, I didn't. I've never seen it.
5 MS. ANGELL: Well, I didn't create it, so I have
6 no idea what it's supposed to be.
7 THE WITNESS: I can't read half of the words on
8 this document.
9 BY MS. LARKINS:
10 Q. Yeah, it's pretty bad handwriting. I believe that
11 there is just one section that's quoting you, and it stops
12 right there after that line that you read.
13 A. Which one?
14 Q. The line "the truth will come out in court. We'll
15 all take lie detector test. The truth will come out"?
16 MS. ANGELL: I'm going to object to plaintiff's
17 testifying again regarding what she believes and what she
18 doesn't believe. If she could ask a question about the
19 document, that would be one thing. But, you know, this
20 document lacks foundation. I object to this. This is a
21 waste of time for everybody here. If you have a question,
22 please go ahead and proceed and ask it.
23 BY MS. LARKINS:
24 Q. Okay. Did you have a chance to read this -- the
25 bottom of the first page after the words "Linda Watson"?

Page 118

1 MS. ANGELL: Exhibit 20?

2 BY MS. LARKINS:

3 Q. And the first two paragraphs of the second page,
4 yes, of Exhibit 20?

5 A. Yes.

6 Q. Okay. Does this sound like what you reported to
7 Gretchen Donndelinger on April 20th, 2001?

8 A. Yes, it does.

9 Q. Okay. And now that you see that she apparently
10 reported that you said everybody -- "we'll all take lie
11 detector test," do you think maybe you did say that to her?

12 MS. ANGELL: Again, I'm going to -- I'm going to
13 object to plaintiff's characterization of where this document
14 came, who made it, and what it is because that's not
15 established. The document lacks foundation, and I'm
16 reminding the witness to answer about what she knows, not
17 what she guesses.

18 THE WITNESS: I may have said this to her. And
19 there again, you may have said that at the pool. I was
20 scared; I was upset. You were ranting and raving, and it was
21 hard to understand a lot of the things you were saying at the
22 pool.

23 BY MS. LARKINS:

24 Q. Okay. And is it possible that you were so
25 frightened at this time that you didn't remember everything

Page 120

1 week of April 16th, 2001. Do you have -- are you relying on
2 those notes to help you remember what happened during the
3 week of April 16th, 2001?

4 A. I was so traumatized on that day, that whole week,
5 I will never forget what happened to me during that week,
6 what you put me through during that week. These notes may
7 refresh my memory a little bit, but I -- I remember this. I
8 was telling you this before I even looked at that.

9 Q. You were in a state of terror that week?

10 A. I wouldn't say I was in a state of terror that
11 week. I was very calm. I was collected. I never raised my
12 voice to you. I never acted in an irrational way. I went
13 through the whole week, and I was upset Wednesday after you
14 called me those names in front of all the children and were
15 shouting at me, which I never shouted back or called you any
16 names.

17 And then Thursday I was at school, and I -- I'd
18 had no -- no one had talked to me Thursday about what had
19 happened on Wednesday, and I was -- I even went to Maria
20 Beers and asked her if you had even known what had happened,
21 because no one had said anything about -- I expected you to
22 come and talk to me or to apologize or -- you never did. And
23 so as of Thursday, we had our meeting, and even then we were
24 meeting amicably. And it was Friday when all of this
25 happened, and the fist in the face and being out of control

Page 119

1 exactly correctly?

2 MS. ANGELL: Objection. Calls for speculation.
3 It's possible that there could be a banana boat parked out
4 front.

5 BY MS. LARKINS:

6 Q. Do you believe that your memory of what happened
7 on April 20th, 2001, in the locker room at Loma Verde is
8 perfect?

9 A. I went back to school -- immediately went back to
10 school, and I went to my desk and I wrote this up so that my
11 memory would be clear and I would have it documented with
12 dates. And except for that one statement that said I was
13 at -- in Loma Verde locker room, this is -- this is my
14 recollection this is what happened on April 20th, 2001.

15 MS. ANGELL: And for the record, the written
16 record, let me reflect that the witness was holding up the
17 document that's been marked not entered as Exhibit 9.

18 MS. LARKINS: Can I get these documents entered
19 now? I move to enter all these documents. Do you agree?

20 MS. ANGELL: No. I object. The documents lack
21 foundation.

22 MR. HERSH: And I also object on the same grounds.

23 BY MS. LARKINS:

24 Q. Okay. Okay. I'm getting the impression that you
25 are relying on your notes to know what happened during the

Page 121

1 was too much.

2 Q. You remember this fist in the face and Maura
3 Larkins being out of control occurred the day after you began
4 to believe that your life was in danger?

5 A. No. I didn't feel that my life was in danger at
6 that point, not until after the incident with the first up in
7 the air and you making irrational statements.

8 Q. What were the irrational statements?

9 A. The truth will come out in a court of law. Just
10 that kind of thing.

11 Q. The truth will come out in a court of law?

12 A. We hadn't even had a conversation. It was -- it
13 was -- you said three words to me. I said not to talk to me,
14 and you just started making no sense at all.

15 Q. Okay. Did -- did Maura Larkins say something --
16 to me that makes perfect sense, the truth will come out in a
17 court of law. That does not seem irrational at all.

18 MS. ANGELL: Objection. Argumentative. Move to
19 strike. Plaintiff again is attempting to testify. Could you
20 please ask the witness a question.

21 BY MS. LARKINS:

22 Q. Thank you.

23 Did Maura Larkins say anything more irrational
24 than the truth will come out in a court of law?

25 A. All I know is I was trying to get out of there as

Page 122

1 fast as I could. I started talking saying I thought I was
2 your friend. I said I didn't have anything to do with -- I
3 didn't know what -- I didn't know what you were upset about.
4 I didn't know why you were so -- I don't know what this truth
5 is you're talking about so it did not make sense to me. I
6 still don't know what you were saying the truth will come out
7 about. About what?

8 Q. I'd like to talk about Wednesday at -- April 18th,
9 2001. You say that Maura Larkins came up to you and asked
10 about teaming?

11 MS. ANGELL: Asked and answered.

12 THE WITNESS: I was lining my kids up counting the
13 kids to make sure they were all there ready to go back to
14 school. You came up to me and you -- you said that you
15 wanted to continue the rotation group for the next week,
16 which we had already said we weren't going to do because your
17 substitute needed more time to do the -- her special testing,
18 bilingual testing. And we didn't know you were coming back
19 and so she didn't know how much time she would need, so we
20 had agreed before you came back that she would take that next
21 week to finish the testing. And then you came back and said
22 that you could do the testing much faster, but we had already
23 planned to do our Mother's Day project that we needed to get
24 started on. And normally that's not a problem when we adjust
25 our schedule around, but you could not accept that and you

Page 124

1 BY MS. LARKINS:

2 Q. You can answer the question.

3 A. What was the question? Sorry, this is --

4 Q. Was Maura Larkins involved in this discussion that
5 you've been talking about?

6 A. I believe that we had a discussion with you upon
7 your return, but I can't -- I can't remember a specific date
8 or time. It could have been in the hallway. It could have
9 been with Gretchen and Maria Beers. I don't remember.

10 Q. Is it possible that Maura Larkins had not been
11 included in the discussion?

12 Something tells me that says "I don't recall."

13 A. I would have assumed that you were part of the
14 decision making, you know, because as you returned back you
15 were there, we were there, you know, we all talked together.
16 But we had decided before you came back and, you know, we had
17 already made plans and we had a -- we were on a time -- you
18 know, were on a time line to get these Mother's Day projects
19 done, and so that's what we had decided to do.

20 Q. And basically you simply didn't want to talk to
21 Maura Larkins that week.

22 MS. ANGELL: Objection. Argumentative. Asked and
23 answered.

24 THE WITNESS: That's not true. I welcomed you
25 back on Monday morning, and I would have talked to you on

Page 123

1 were -- and that's when I said let's discuss it at the grade
2 level meeting which would be the next day, Thursday. Just
3 wait one day and we'll all discuss it together, because I'm
4 only one member of the team. I don't make all the decisions.

5 BY MS. LARKINS:

6 Q. So you did not want to discuss this at all?

7 A. We had already discussed it, Maura. That's --
8 that was the whole point is that we had discussed it, and we
9 had come to an agreement that we would not do the test -- or
10 not do the rotation group the following week.

11 Q. Who had discussed it?

12 A. As a team with your substitute we discussed it,
13 Rick Denmon, Al Smith. We had decided that we wouldn't do
14 the teaming because the substitute said she needed more time
15 to do the testing.

16 Q. But Maura Larkins was not involved in that
17 discussion?

18 MS. ANGELL: Again, I renew my objection to this
19 entire line of questions about teaming, team teaching during
20 the 2000-2001 school year. This is totally irrelevant and
21 not calculated to lead to the discovery of admissible
22 evidence with regard to use of or knowledge or passing on
23 knowledge contained in an alleged record of arrest. Is there
24 any question that has to do with a cause of action alleged
25 against this witness?

Page 125

1 Tuesday but you just walked by me and didn't say anything to
2 me. Didn't greet me. And I assumed you didn't want to talk
3 to me because you were so mad about what had transpired
4 before, so there was --

5 BY MS. LARKINS:

6 Q. And what was that that transpired before?

7 A. Well, that you were out on leave for whatever
8 reason. I didn't know if you were blaming me or whatever. I
9 didn't know why you weren't talking to me.

10 Q. Let's go back to this Wednesday. So Maura Larkins
11 came up to you and wanted to talk about teaming, and you did
12 not want to talk about teaming. You said we'll talk about it
13 at a meeting?

14 MS. ANGELL: Asked and answered. I object. This
15 repeated line of questioning, the same thing over and over is
16 argumentative and it's harassing to this witness. You've
17 asked the question. Can we move on to something that you
18 haven't asked about?

19 MR. HERSH: And I'd like to add for the record
20 that I also believe that this is a misuse of the discovery
21 process, and I'm probably going to be filing a motion for
22 sanctions based on your wasting everyone's time without --
23 I'm talking to Ms. Larkins, without having dealt with the
24 issues that you've alleged in the complaint.

25 ///

Page 126

1 BY MS. LARKINS:
2 Q. Okay. Did Maura Larkins say to you if we're going
3 to be a team, we need to talk?
4 MS. ANGELL: Vague and ambiguous as to time.
5 BY MS. LARKINS:
6 Q. Thank you. On Wednesday, April 18th, 2001, did
7 Maura Larkins say to you if we're going to be a team, we need
8 to talk?
9 A. I remember you coming up to me and wanting to
10 discuss the teaming for the next week, and I said let's wait
11 until tomorrow when we can discuss it on Thursday as a team
12 member, and then you said you didn't like my attitude. So I
13 don't remember you saying that other statement, no.
14 Q. Is the line "I don't like your attitude," is that
15 a line that you often use with children?
16 A. No, I don't -- maybe there's -- you know, maybe
17 once -- I mean, that is -- that's a possibility, but that's
18 not a statement I use regularly.
19 Q. Is there anybody that you know that uses that line
20 a lot?
21 MS. ANGELL: Objection. This is totally
22 irrelevant. Not calculated to lead to the discovery of
23 admissible evidence. Let's talk about the causes of action
24 at issue in this matter.
25 THE WITNESS: No, I don't know of anyone that says

Page 127

1 that.
2 BY MS. LARKINS:
3 Q. Have you ever heard Maura Larkins use that line
4 other than this alleged time?
5 A. I don't remember you using that phrase before.
6 Q. Okay. And do you remember -- this is a yes or no
7 question: Do you remember Maura Larkins saying if we're
8 going to be a team, we have to talk?
9 MS. ANGELL: Asked and answered.
10 THE WITNESS: No, I don't remember.
11 BY MS. LARKINS:
12 Q. Okay. Thank you. Thank you.
13 Okay. Do you remember saying if you want to talk,
14 let's talk?
15 A. I remember saying let's talk about it at the grade
16 level meeting on the next day which was Thursday.
17 Q. Do you remember leading Maura Larkins away from
18 the children over to the sandbox where the playground
19 equipment was so you'd be far away from the children in order
20 to talk?
21 MS. ANGELL: Vague and ambiguous as to time.
22 BY MS. LARKINS:
23 Q. On Wednesday, April 18th, 2001.
24 A. I know that I was at the back of the line when you
25 approached me. Whether I moved over, I don't remember. I

Page 128

1 didn't think it was appropriate to have that conversation in
2 front of the children, and I don't know where we had the
3 conversation other than in that vicinity where the children
4 were lined up.
5 Q. Did you say to Maura Larkins "I've had it with
6 you. I'm through with you" in a very angry and loud tone of
7 voice?
8 A. No, I never said that. I never said anything like
9 that.
10 Q. Did you say "I welcomed you back on Monday and you
11 wouldn't even give me the time of day"?
12 A. My exact words were, after you said "I don't like
13 your attitude," I said "well, speaking of attitude -- of a
14 bad attitude," I said, "I welcomed you back Monday and you
15 never even responded to me." That's what I said.
16 Q. But now -- but later did you think that perhaps
17 Maura Larkins hadn't heard your welcome on Monday, that you
18 might have been mistaken about that?
19 A. I have no idea whether you heard it or not.
20 Q. Okay. Can you tell me how -- how you said this
21 welcome, like in what tone of voice?
22 A. I said welcome back, Maura. I don't know. I
23 just -- you know, I meant it.
24 Q. And where were you looking when you said it?
25 A. I was looking right at your face, and that's why I

Page 129

1 saw you look away. You looked at me, you kind of glared, and
2 then you just looked over by the fence and walked on.
3 Q. The fence.
4 A. Because this happened right in front of -- as
5 you're walking toward Loma Verde pool --
6 Q. Yes. Yes. We're clear on that. That is your
7 current memory.
8 Okay. Did Maura Larkins at that time ask you a
9 question "are you lying or are you delusional?"
10 MS. ANGELL: Vague and ambiguous as to time.
11 BY MS. LARKINS:
12 Q. On Wednesday, April 18th, 2001.
13 A. And ask me the question again, please.
14 Q. On Wednesday, April 18th, 2001, did Maura Larkins
15 ask you "are you lying or are you delusional?"
16 A. You said to me "you're a liar. You're
17 delusional." You shouted it at me.
18 Q. Okay. So this wasn't asked calmly, "are you lying
19 or are you delusional?"
20 A. No, it was not asked calmly at all.
21 Q. Okay.
22 A. It was shouting at me.
23 Q. Did the suggestion that you might be lying upset
24 you quite a bit?
25 A. The whole situation was upsetting to me, to have

Page 130

1 anybody raise their voice and shout accusations at me.
 2 Q. I'm sure it would.
 3 Okay. I'm going to try to get you to answer this
 4 question. It's a yes or no question. Did the suggestion on
 5 Wednesday, April 18th, 2001, that you might be lying upset
 6 you?
 7 A. Sure it upset me, because I wasn't lying.
 8 Q. Okay. Did the --
 9 MS. ANGELL: I'm sorry. I'm confused. Lying
 10 about what?
 11 THE WITNESS: Yeah. Exactly.
 12 MS. ANGELL: Lying about -- I don't understand
 13 what you're talking about.
 14 MS. LARKINS: Anything. She says that Maura
 15 Larkins called her a liar.
 16 MS. ANGELL: Well, that's different from your --
 17 what you're trying to get her to say, which is that you're
 18 trying to get her to say that you said you're lying, and she
 19 said no, you called me a liar and you're delusional by
 20 screaming it at me in front of my students. And you're
 21 asking her about lying, and I'm confused because it seems
 22 like different things.
 23 MS. LARKINS: Well, you're quite mistaken that I'm
 24 trying to get her to say that I asked a question. I'm
 25 working with her on her memories.

Page 132

1 Q. Uh-huh. And you had not earlier said that Maura
 2 Larkins was the type of person who became a mass murderer?
 3 MS. ANGELL: Objection. Asked and answered.
 4 Argumentative.
 5 BY MS. LARKINS:
 6 Q. You must have been very angry. Were you very
 7 angry?
 8 MS. ANGELL: And I'm going to move to strike the
 9 portion before the question. Object to the plaintiff
 10 testifying.
 11 BY MS. LARKINS:
 12 Q. Right. Were you very angry on -- when Maura
 13 Larkins used the word delusional on Wednesday, April 18th,
 14 2001?
 15 A. I wouldn't say that I was angry. I -- well, I was
 16 frustrated, because I -- I felt that we had discussed the
 17 teaming thing, that we had already agreed to the time frame,
 18 and that you were coming back wanting to discuss more -- you
 19 know, to have the date changed so that we could do teaming
 20 again. So it was more of a frustration. Is that what you're
 21 after? I don't understand.
 22 Q. So you were more upset about teaming than about
 23 the suggestion that you might be delusional?
 24 A. No. I was upset with the names that you called
 25 me. I was very upset.

Page 131

1 Q. Okay. Some form of the word -- the verb to lie
 2 was used. You and I agree on that.
 3 MS. ANGELL: Objection. That mischaracterizes the
 4 evidence. The testimony is that the noun liar was used, not
 5 that a verb was used. She testified that you called her a
 6 liar and you called her delusional, and you're -- you're
 7 mischaracterizing the testimony. I'm sorry.
 8 BY MS. LARKINS:
 9 Q. All right. Some word with the same root word as
 10 the word lie was used by me on that day. We are in agreement
 11 with that. And I want to know if that upset you?
 12 A. Yes, it upset me.
 13 Q. Okay. Now, we're clear on delusional. I guess
 14 that's an adjective.
 15 MS. ANGELL: Again, move to strike plaintiff's
 16 testimony. If you can keep it to questions, that'd be great.
 17 BY MS. LARKINS:
 18 Q. Did the use of the word delusional upset you?
 19 A. Yes, it did.
 20 Q. Why did that upset you?
 21 A. Because you were calling me a liar, and I guess
 22 delusional means I don't know what I'm talking about when I
 23 told you that I said hello to you and you were calling me a
 24 liar and said I didn't know what I was talking about. And
 25 that was not true, because I did.

Page 133

1 Q. Okay. But you're not certain -- but you admit
 2 that it's possible that you had called up Rick Werlin in
 3 February and made some statement that caused Maura Larkins to
 4 be taken out of her classroom?
 5 MS. ANGELL: I object to that if it's a
 6 characterization of prior testimony, because that's not what
 7 the testimony was. The testimony had nothing to do with when
 8 any phone call might have been made or what was said during
 9 any phone call.
 10 MS. LARKINS: I'm sorry.
 11 Q. Do you admit that it's a possibility that you
 12 called Rick Werlin in February 2001 and told him that you
 13 feared for your life, that Maura Larkins was unstable -- that
 14 you feared for your life and that Maura Larkins was unstable
 15 and that you feared she might kill you?
 16 MS. ANGELL: Calls for speculation.
 17 THE WITNESS: What I remember --
 18 MS. ANGELL: The question is, is it a possibility
 19 that blank, blank, blank. That calls for speculation.
 20 THE WITNESS: If I called him -- when you first
 21 asked me the question, I just -- no, there was no reason to
 22 call him. But I'm thinking about it, and if I did call him,
 23 I -- I vaguely remember the phone ringing and not reaching
 24 him. But that could have been a call to his office at the
 25 district level. I don't remember whether it was his home or

Page 134

1 if it was a weekend or when it was, because a lot was going
2 on and this has been so long ago.
3 BY MS. LARKINS:
4 Q. Do you think there's -- if this phone call was
5 made, do you think it's possible that it did not concern
6 Maura Larkins?
7 A. I don't know.
8 Q. Okay. Do you recall there being a time in the
9 year 2002 or thereabouts when you had a lockdown at your
10 school and you got under your desk and you are very
11 frightened?
12 MS. ANGELL: Objection. This line of questioning
13 is not calculated to lead to the discovery of admissible
14 evidence in the matter of the case at bar. Here we're
15 talking about plaintiff who was not actively working in a
16 classroom during the 2002 school year, at any time in 2002 as
17 far as I can recall. And this is not reasonably calculated
18 to lead to the discovery of admissible evidence in the case
19 at bar, anything happening in Ms. Watson's classroom in 2002.
20 THE WITNESS: What was the question?
21 BY MS. LARKINS:
22 Q. I think it might have been -- did you answer the
23 one that I asked about could it -- oh, no, I remember you
24 answered that one.
25 (The last question was read back.)

Page 135

1 THE WITNESS: We have had many lock -- well, many
2 lockdowns, we've had more than one lockdown. I don't
3 remember which specific one you're talking about and when it
4 occurred.
5 BY MS. LARKINS:
6 Q. Have you gotten under your desk more than one of
7 those lockdowns?
8 A. Yes, we have.
9 Q. Okay. Do you remember one of those lockdowns in
10 which you were thinking that it might be Maura Larkins coming
11 to get you?
12 A. I think that thought crossed my mind, but it was
13 just out of the fear that I've had since our incidents.
14 Q. Okay. Do you believe that that was a rational
15 fear?
16 A. I'd -- there again, if it's irrational or
17 rational, it's still a fear, and that's the way I feel, and I
18 have reason to feel that way.
19 Q. But you do believe that you can judge Maura
20 Larkins' behavior as to whether it's rational or not?
21 MS. ANGELL: Objection. Argumentative. And
22 there's no question there.
23 MS. LARKINS: Okay.
24 MS. ANGELL: So therefore, I move to strike it.
25 MS. LARKINS: Okay. I need a break.

Page 136

1 THE VIDEOGRAPHER: Off the record. The time now
2 is 4:15 p.m.
3 (Recess taken.)
4 THE VIDEOGRAPHER: Back on the record. The time
5 now is 4:23 p.m.
6 MR. HERSH: So are we on the record?
7 MS. LARKINS: Yes, we're on the record.
8 MR. HERSH: I'm sorry. I had to deal with another
9 matter.
10 MS. LARKINS: You didn't miss anything.
11 MR. HERSH: Okay.
12 MS. LARKINS: I would like to ask you to mark this
13 as Exhibit 22. I don't think I've given this out yet.
14 (Plaintiff's Exhibit No. 22 was marked for
15 identification.)
16 BY MS. LARKINS:
17 Q. Okay. I'm representing this to be the reporter's
18 transcript for the office of administrative hearings hearing
19 regarding the dismissal of Maura Larkins in January 2003.
20 And these are Pages 59 to 62 of that transcript, and this
21 questioning occurred on January 6th, 2003.
22 MR. HERSH: Objection. I would ask that if this
23 is going to be made an exhibit, that the entire transcript be
24 the exhibit.
25 MS. LARKINS: Okay. Is it all right if we do that

Page 137

1 later?
2 MR. HERSH: Yes.
3 MS. LARKINS: Okay.
4 Q. Okay. I want to establish the time here let's say
5 at the bottom of Page 59. This is right after February 12th,
6 2001, and at the top you can see they're talking about the
7 meeting where she was placed on administrative leave. I
8 represent that that meeting is the February 12th, 2001
9 meeting.
10 And then as you can see, this talks about the
11 receipt of some document, which it doesn't really matter.
12 And then down on Line 14 Mr. Bresee, the district's lawyer,
13 asks a question of Mr. Werlin. He says, "And after this
14 meeting with Maura Larkins and others, subsequent to the
15 phone call that you received, did you follow up conducting
16 additional inquiry or investigation at Castle Park?" And
17 Mr. Werlin answered yes.
18 The question next was "and can you describe
19 generally what you did?" Mr. Werlin answered, "We had
20 numerous conversations with the principal where we had an
21 opportunity to ask her about her perception of the
22 relationship that Maura had with Ms. Hamilton. We also had a
23 chance to speak with Ms. Hamilton again who continued to be
24 very concerned for her welfare, very concerned for her
25 safety, and several other teachers had come up and talked

Page 138

1 with me while I was at the site about similar concerns." I
 2 went into Page 60 there.
 3 Now, on 60, Line 3 --
 4 MS. ANGELL: Excuse me. I'd just like to
 5 interject an objection that this document that's offered to
 6 be marked as Exhibit 22 lacks foundation, has not been
 7 authenticated, and that plaintiff is testifying about the
 8 contents of this document, who said what, when, where, to
 9 whom, what it related to, and I move that the entire portion
 10 that she read be stricken from the record.
 11 BY MS. LARKINS:
 12 Q. Okay. Ms. Watson, have you had a chance to read
 13 that last answer on Page 59 of Exhibit 22, "we had numerous
 14 conversations"?
 15 MS. ANGELL: Again, I object to the use of this
 16 document. It lacks foundation. It's not been authenticated.
 17 I don't know what it is, and I don't know what kind of
 18 competent testimony this witness could give about this
 19 document other than that there's a piece of paper in front of
 20 her and what it does or does not say.
 21 MS. LARKINS: Okay.
 22 THE WITNESS: I read it, yes.
 23 BY MS. LARKINS:
 24 Q. Okay. And then on Page 60, Line 3, could you read
 25 that question, please.

Page 139

1 A. "Do you recall who some of those teachers were?"
 2 Q. And what is the answer there?
 3 A. "Linda Watson, Rick Denmon, librarian,
 4 Ms. Scharmach."
 5 Q. Do you recall talking to Mr. Werlin while Maura
 6 Larkins was out on leave after February 12th, 2001, and
 7 before Maura Larkins came back to work?
 8 MS. ANGELL: I object to this line of questioning,
 9 the entire line of questioning, because it relates to a cause
 10 of action which has been dismissed with prejudice from this
 11 lawsuit. These questions do not relate to the issue, any
 12 issue reasonably calculated to lead to the discovery of
 13 admissible evidence with regard to the causes of action that
 14 exist in this lawsuit, and I request that you please limit
 15 your questions to those which are calculated to lead to the
 16 discovery of admissible evidence in the matter that's before
 17 the judge, not matters that had been dismissed on demurrer
 18 which was sustained without leave to amend. This is an abuse
 19 of the discovery process. It's harassing of this witness.
 20 It's a waste of public funds.
 21 BY MS. LARKINS:
 22 Q. Do you want me to repeat the question?
 23 A. Yes.
 24 Q. Do you recall talking to Werlin -- Richard Werlin
 25 between February 12th, 2001, and the time Maura Larkins came

Page 140

1 back to work?
 2 A. I don't recall.
 3 Q. Well, I think I'm going to leave that document
 4 then, set that aside.
 5 Okay. I have another document I would like marked
 6 as Exhibit 14.
 7 (Plaintiff's Exhibit No. 14 was marked for
 8 identification.)
 9 MS. LARKINS: I will be sure to authenticate all
 10 these documents before any summary judgment or trial. I
 11 represent that this document was entered as evidence in the
 12 administrative hearing regarding Maura Larkins' dismissal in
 13 January 2003. This was entered as the equivalent of the
 14 sworn testimony of Alan Smith without his being present.
 15 Okay. Now, I want to relate this to Exhibit 2,
 16 Page 19. If we could have both these documents in front of
 17 us, I'm going to ask Ms. Watson about --
 18 THE WITNESS: Which two documents?
 19 BY MS. LARKINS:
 20 Q. Exhibit 2, the Linda Watson deposition, Page 19 --
 21 actually, if we look at 18 at the top left.
 22 A. Uh-huh.
 23 Q. At the bottom there say 16 to 25?
 24 A. On Page 18?
 25 Q. Yeah.

Page 141

1 A. 16 to 25, okay.
 2 Q. Would you please read that paragraph out loud.
 3 A. "There were," that one?
 4 Q. Uh-huh.
 5 A. "There were two separate swimming times, and that
 6 first Monday, the first chance I saw Maura Larkins, was when
 7 I was walking my children back from the pool, when she was
 8 walking them to the pool. We met right outside the fence" --
 9 there's the fence -- "by Loma Verde School, and I looked her
 10 right in the face and said, 'Welcome back, Maura.' And she
 11 just looked the other way. And I thought wow, you know,
 12 okay. If that's the way you're going to be, fine, you know."
 13 Q. Okay. Do you believe that this paragraph is
 14 talking about -- well, at least everything except for the
 15 Line 16 which talks about two separate swimming times, but
 16 that first Monday refers to April 16th, 2001?
 17 A. Yes.
 18 Q. Okay. So we're at April 16th, 2001. And could
 19 you now look at Page 19 where your testimony continues and
 20 could you read that next paragraph?
 21 A. "So I went back to school. When I got to school,
 22 Al Smith was upset because he had had a confrontation with
 23 Maura that morning on the way to the swimming pool." I'm
 24 sorry, put my glasses on here. So to some -- "so to some
 25 effect, like, she got upset and said he was negative" -- "and

Page 142

1 said he was negative about something, and that she accused
 2 him of not wanting to walk with her class down to the pool.
 3 So anyway, I didn't see Maura Larkins the rest of that day."
 4 Q. Okay. Thank you. So you've testified there about
 5 what you observed about Al Smith on Monday, April 16th, 2001.
 6 MS. ANGELL: Objection. That's a statement, not a
 7 question. And it -- I don't know what you're talking about,
 8 if you're saying that in some prior deposition she offered
 9 testimony about something? I don't know if you're
 10 characterizing her reading something at your request as
 11 current testimony which it's not?
 12 MS. LARKINS: Okay. Thank you.
 13 Q. On April 16th, 2001, did you meet Al Smith -- meet
 14 with Al Smith at some time?
 15 A. I don't remember. I must have.
 16 Q. Okay. Now I would like you to look at Exhibit 14?
 17 A. Exhibit 14. Which is that? Oh, this one?
 18 Q. This one I just gave you.
 19 MS. ANGELL: I again renew my objection to the use
 20 of these documents, all of which lack foundation and none of
 21 which have been entered as exhibits.
 22 BY MS. LARKINS:
 23 Q. Okay. Could you read the title of this document?
 24 A. Maura Documentation, 4-16-01.
 25 Q. Right. Okay. Could you read the first two

Page 144

1 A. I doesn't make sense, because we always walked
 2 with two classes together. So I don't know why he or you
 3 would say -- I don't know who's saying this. You said this?
 4 Q. Well --
 5 A. That he told me that you said this? Is this
 6 secondhand information or what?
 7 Q. Did --
 8 A. It's not clear.
 9 Q. Okay. Did Al Smith tell you that Maura Larkins
 10 thought it would be better if we didn't bring the children to
 11 the pool together?
 12 A. I don't remember.
 13 Q. Okay. Okay. And then we have two more little
 14 vignettes by Alan Smith here.
 15 MS. ANGELL: Objection as to characterization of
 16 the author or origin of this document. We have no
 17 information as to where it came from. It lacks foundation,
 18 and I object to any characterization of its origin.
 19 BY MS. LARKINS:
 20 Q. Okay. I'm going to set that document aside now,
 21 and I would like to enter into -- I know I can't enter into
 22 evidence, can I. I would like to ask that this document be
 23 marked as Exhibit 23.
 24 (Plaintiff's Exhibit No. 23 was marked for
 25 identification.)

Page 143

1 paragraphs.
 2 A. "On the way to swimming she told me, 'We need to
 3 be positive.' All I said was that the children were not
 4 listening to directions very well today."
 5 Q. Now that you have read this, does it in any way
 6 jog your memory about talking to Al Smith on April 16th, 2001?
 7 A. I -- I remember that Al was upset with you on the
 8 first day that you two went swimming, because you were the
 9 team that went first -- or it would be second. I don't --
 10 you know, I don't remember what the exact details were.
 11 Q. Okay. Could you read this second little paragraph
 12 there of Maura documentation?
 13 A. This down -- for 4-17?
 14 Q. The tiny little one because I didn't let you
 15 finish.
 16 A. She said she thought it would be better if we
 17 didn't bring the children to the pool together. It was too
 18 dangerous having so many children walk together.
 19 Q. Okay. So does that sound about right, that sounds
 20 like what Alan was telling you?
 21 MS. ANGELL: Objection. Asked and answered. She
 22 said she didn't remember the particulars.
 23 BY MS. LARKINS:
 24 Q. Has this -- reading this jogged your memory at
 25 all?

Page 145

1 BY MS. LARKINS:
 2 Q. Okay. Do you see a date on this document?
 3 A. Yes.
 4 Q. What's the date on the document?
 5 A. April 25th, 2001.
 6 Q. So would you agree this meeting happened a few
 7 days after Maura Larkins was placed on leave the second time?
 8 A. Yes.
 9 Q. Okay. And could you read who attended this
 10 meeting?
 11 MS. ANGELL: I'm going to object to the use of
 12 this document marked as Exhibit 23. It lacks foundation. It
 13 hasn't been authenticated. We don't know where it's from,
 14 what it is.
 15 MS. LARKINS: I'm sorry. I probably should have
 16 said more. I represent that this document was faxed to me by
 17 Gina Boyd, and you can see there's a little fax heading here
 18 June 4th, '01, from South County Teachers United. She was --
 19 Gina represented to me that these were her notes of this
 20 meeting that took place.
 21 MS. ANGELL: Counsel, are you with us? Counsel?
 22 MS. LARKINS: Michael?
 23 MR. HERSH: Oh, I'm sorry. I had the mute on on
 24 my phone. Yeah, I would like a copy of the document that
 25 you're showing to the witness. Can you fax that to me.

Page 146

1 MS. LARKINS: Sure.
 2 MR. HERSH: Thank you.
 3 BY MS. LARKINS:
 4 Q. Okay: Could you read who the attendees were at
 5 this meeting?
 6 A. Richard Werlin --
 7 MR. HERSH: I would like you to fax the document
 8 before you proceed with questioning the witness about it.
 9 MS. LARKINS: Okay.
 10 MR. HERSH: Thank you.
 11 MS. LARKINS: Is that an excuse for a break?
 12 THE VIDEOGRAPHER: Going off the record. This
 13 concludes Tape 2 of the deposition of Linda Mae Watson.
 14 We're off the record. The time is 4:40 p.m.
 15 (Recess taken.)
 16 THE VIDEOGRAPHER: This is Tape 3 of the
 17 deposition of Linda Mae Watson. We're back on the record.
 18 The time now is 4:44 p.m.
 19 MS. LARKINS: Okay. As I said before, I represent
 20 this to be the notes that Gina Boyd took at a meeting at the
 21 Chula Vista School District on April 25th, 2001, and she
 22 typed the notes up and sent them to me. And Mr. Hersh,
 23 you've received the notes? Okay. I bet he said yes and he
 24 just has his mute on.
 25 MS. ANGELL: Mr. Hersh, are you there?

Page 147

1 MR. HERSH: I am.
 2 MS. ANGELL: Did you hear the question posed?
 3 MR. HERSH: No.
 4 MS. LARKINS: Have you received the document of
 5 Gina Boyd's note?
 6 MR. HERSH: Yes. The one page? Yes.
 7 BY MS. LARKINS:
 8 Q. Yes. Okay. Could you read to us the attendees at
 9 this meeting.
 10 A. Richard Werlin --
 11 MS. ANGELL: Excuse me. I'm going to object as to
 12 the characterization. What you're asking the witness to do
 13 is read what's written on the document instead of her
 14 attributing who the attendees at a meeting were.
 15 MS. LARKINS: You're quite correct.
 16 Q. Could you go ahead and read those.
 17 A. Richard Werlin, Cindy Miller, Gretchen
 18 Donndelinger, I guess that's Maria Beers, and Gina Boyd.
 19 Q. Okay. And my guess is going to be that R.T. is
 20 Richard T. Werlin, R.T. statements. Okay.
 21 MS. ANGELL: Move to strike plaintiff's
 22 characterization and guesses about whose statements are
 23 whose.
 24 BY MS. LARKINS:
 25 Q. Could you -- this is only a few lines long. Looks

Page 148

1 like maybe about 10 or 12. Could you just read these short
 2 lines.
 3 A. All of it?
 4 Q. Yeah.
 5 A. "Will not be able to have employee meeting with
 6 Maura. Will need a fitness for duty medical examination.
 7 Will not pay for her sub today. Situations over a long
 8 period of time. Has a pattern with many people. Will give a
 9 directive to Maura to attend a meeting. Has concerns about
 10 safety of staff and children. Raised voice in front of
 11 children with Linda Watson. Witnessed behavior at
 12 school-most likely refers to pencil incident. Threatened to
 13 involve the media. Had a face-off with Al."
 14 Q. Okay. In these lines -- I'm going to go ahead and
 15 count them. Let's see, three, six, nine, 12. In these 12
 16 lines what names do you see, proper names of people, besides
 17 Maura Larkins -- besides Maura?
 18 A. I see Linda Watson and I see Al.
 19 Q. Okay. Since this meeting occurred just a few days
 20 after the April 20th, meeting that you had with Gretchen
 21 Donndelinger -- strike that.
 22 At the April 20th meeting that you had with
 23 Gretchen Donndelinger, do you recall Al Smith being there?
 24 A. I don't recall.
 25 Q. Okay. You -- do you recall anybody other than

Page 149

1 Rick Werlin, Gretchen Donndelinger, and yourself and Kathy
 2 Bingham?
 3 MS. ANGELL: Vague and ambiguous.
 4 MS. LARKINS: At the meeting on April 20th, 2001.
 5 MS. ANGELL: Objection. Misstates prior
 6 testimony. The testimony previously has been that she
 7 doesn't know whether or not Rick Werlin was at a meeting on
 8 April 20th, 2001.
 9 MS. LARKINS: I'm not saying he was there. I'm
 10 just saying, can she think of anyone else.
 11 THE WITNESS: I really don't want to name names
 12 because I really can't remember. That was like four years
 13 ago, three years ago. I can't remember. I know Kathy was
 14 there. I can't remember who else was there.
 15 MS. LARKINS: Okay. Well, I think we'll just
 16 leave that at that. I'll set that aside. Since this office
 17 has to close at 5:00 o'clock, Ms. Angell and Mr. Hersh, I
 18 think it might be a good idea if we talked about when we will
 19 continue this deposition? Do any of you have any
 20 preferences?
 21 MR. HERSH: Are we still on the record?
 22 MS. LARKINS: Yes.
 23 MR. HERSH: Well, I would suggest that we go off
 24 the record and have a discussion and then go back on with
 25 what has been determined.

Page 150

1 MS. ANGELL: Are you sure that you want that
2 discussion off the record?
3 MR. HERSH: Well -- well, it was just my
4 suggestion.
5 MS. LARKINS: Perhaps Ms. Angell would like to say
6 something about it on the record.
7 MS. ANGELL: Well, before we conclude this
8 deposition, I have a couple of questions for Ms. Watson about
9 the issues that you discussed today. And I know that we
10 don't have time for me to ask all my questions, so I'll just
11 ask one or two very briefly.
12
13 EXAMINATION BY MS. ANGELL:
14 Q. Concerning any meeting which may or may not have
15 occurred on April 25, 2001, that would be a meeting that
16 Ms. Larkins was asking about with regard to the document
17 offered to be marked as Exhibit 23, were you in attendance at
18 any meeting described in that document on April 25, 2001?
19 A. No, I was not.
20 Q. Okay
21 A. And I've never seen this document before.
22 Q. Do you recall ever asking anyone whether or not
23 Maura Larkins had a gun?
24 A. No, I don't remember asking -- well, can you be
25 more specific?

Page 151

1 Q. Yeah. I'll rephrase. At any time prior to the
2 instigation of this litigation -- that means this lawsuit in
3 Superior Court which according to your deposition notice was
4 filed on January 24th, 2002 -- were you ever told that Maura
5 Larkins had a gun?
6 A. No.
7 Q. Did you ever tell anyone else prior to January 24,
8 2002, that Maura Larkins had a gun?
9 A. No. The only -- the only time I was concerned
10 about a gun was after I received this current lawsuit which
11 she alleged that -- with allegations in it about some kind of
12 an arrest. That's when I was concerned.
13 Q. And please be mindful that I'm not asking you
14 about anything that you may have discussed with attorneys who
15 represent you.
16 A. That's right. I had not talked about a gun. I
17 didn't even consider a gun until this current lawsuit which
18 stated in it that there was an arrest record. And I knew
19 nothing about it. I knew nothing about an arrest record. I
20 still don't know anything about an arrest record.
21 Q. Okay. The next question is, in your discussions
22 about the April 20th, 2001 Friday incident at the Loma Verde
23 pool, there was a question about how Maura Larkins physically
24 threatened you, some discussion about that. And I wondered
25 whether or not Maura Larkins physically approached you?

Page 152

1 A. Yes, I feel that she physically approached me.
2 She came right up into my face, and she -- I asked her not to
3 talk to me unless there was somebody representing us and I
4 mentioned those names already, and she just kept talking.
5 She wouldn't stop. She wouldn't back off. And I kind of
6 went around her to the side talking as much as I could to
7 calm her down and to get out of the situation. And she had
8 the fist up in the air, and it was very close to my face.
9 And she just started ranting and raving not making any sense
10 at all, and I was scared. I was very scared.
11 Q. Thank you. With regard to the document purported
12 to be -- offered to be marked as Exhibit 6, can you flip to
13 that document.
14 A. Yes.
15 Q. Have you ever seen that document before today?
16 A. I've never seen that document before today.
17 Q. Thank you. Was there anything -- going back to
18 April 20th, 2001, the day of the confrontation at the Loma
19 Verde pool, was there anything besides Maura Larkins' actual
20 words that occurred in the locker room that made her behavior
21 seem irrational to you?
22 A. Yes. Having her fist up in the air, ranting and
23 raving and not stopping when I asked her to stop talking to
24 me, and we were surrounded by children. It seemed like a
25 very dangerous situation.

Page 153

1 Q. So is it accurate to say that Ms. Larkins'
2 behavior toward you in front of the children that day on
3 April 20th, 2001, also made you fearful?
4 A. Yes, very fearful.
5 Q. Fearful for your own safety?
6 A. Yes.
7 Q. Were you also fearful for the safety of your
8 students?
9 A. Yes, I was.
10 Q. With regard to the allegations in the sixth
11 amended complaint, have you ever seen a criminal justice
12 record concerning Maura Larkins --
13 A. Never.
14 Q. -- at any time?
15 A. Never. Not at any time.
16 Q. Have you ever been provided information from
17 anyone not including your lawyers which was told to you came
18 from any criminal records information concerning Maura
19 Larkins?
20 A. No, none whatsoever.
21 Q. Do you have any malice toward Maura Larkins?
22 A. No, I don't.
23 MS. ANGELL: That's all. Counsel?
24 MR. HERSH: I have no questions for the witness,
25 but I do appreciate her enduring this.

Page 154

1 THE WITNESS: Thank you. Thank you for listening.
 2 MS. ANGELL: Are we finished with testimony from
 3 Ms. Watson?
 4 MS. LARKINS: I believe so. We were going to
 5 discuss when to continue. Did you want to make a statement
 6 on the record about that?
 7 MS. ANGELL: Well, I'd like to know how much more
 8 you have for Ms. Watson, because we've been here since 10:00
 9 a.m. this morning, and you haven't asked more than one
 10 question that has anything to do with this litigation. So I
 11 was just wondering how much more you thought that you would
 12 have for this witness.
 13 MS. LARKINS: Well, I can't give you an exact
 14 amount of time, but I do have more. So I will need to
 15 continue this.
 16 MS. ANGELL: Can you give me an estimate?
 17 MS. LARKINS: Somewhere between half a day and --
 18 I'm going to guess between half a day and one day.
 19 MS. ANGELL: Okay. So we should be able to wrap
 20 this up in one more full day's worth of testimony?
 21 MS. LARKINS: I believe so.
 22 MS. ANGELL: And is there any subject matter other
 23 than incidents which occurred April 16th through April 20th,
 24 2001, that you're going to be asking this witness about?
 25 Because I'm assuming that she's testified to your

Page 155

1 satisfaction about incidents on those days since we've now
 2 talked about it for about seven hours, not counting breaks.
 3 MS. LARKINS: Is that a rhetorical question?
 4 MS. ANGELL: No. It's a question.
 5 MS. LARKINS: Okay. Would you repeat that
 6 question.
 7 MS. ANGELL: Could you read it back, please.
 8 (Page 154, Lines 22 through 24 were read back.)
 9 MS. LARKINS: Yes.
 10 MS. ANGELL: Do you agree that you have
 11 exhaustively questioned this witness on the incidents from
 12 April 16th through April 20th, not 25th, 2001?
 13 MS. LARKINS: Do you agree that I'm the one that's
 14 giving the deposition, I'm not the deponent here?
 15 MS. ANGELL: Well, I think that we've been here
 16 for seven hours and I'm just wanting to know if we're going
 17 to go back -- you're planning on coming back and covering the
 18 same ground again or if you're looking at asking some sort of
 19 other question that has something to do with the litigation?
 20 MS. LARKINS: I think your question is very
 21 disrespectful, and it's part of the many year long effort to
 22 keep from revealing the truth about this matter.
 23 MS. ANGELL: The matter before the court now is
 24 the alleged use of information -- receipt and use of
 25 information in a record of arrest. The matter before the

Page 156

1 court is not anything that you've discussed in this
 2 seven-hour long deposition today. That's why I'm asking if
 3 you're going to ask about something other than the events of
 4 April 16 to 20, 2001, that had to do with the pool and these
 5 meetings and these other teachers.
 6 MS. LARKINS: I thought I already answered that
 7 one. I said yes.
 8 MS. ANGELL: And the next question was, do you
 9 agree that we have already exhaustively discussed the events
 10 that occurred between April 16th and April 20th of 2001?
 11 MS. LARKINS: I don't feel like answering that
 12 question, Ms. Angell.
 13 MS. ANGELL: Counsel, you have any comments?
 14 MR. HERSH: Well, I think I expressed myself
 15 earlier. Since I'm not attending the deposition, I think it
 16 would be more appropriate for me to raise my concerns in a
 17 motion for sanctions for misuse of the discovery process.
 18 But I'm open to other suggestions. I certainly can't imagine
 19 going through another day like the one we've just gone
 20 through without dealing with any of the issues in the
 21 complaint. So it seems to me it would be a waste of
 22 everyone's time to continue this deposition, you know, unless
 23 there is some unusual reason why -- why another day would
 24 produce evidence when this hearing today produced nothing
 25 that would be useful in terms of Ms. Larkins prosecuting the

Page 157

1 matter.
 2 MS. LARKINS: So when will we continue this?
 3 Monday, 10:00 o'clock?
 4 MS. ANGELL: No, I'm not available on Monday at
 5 10:00 o'clock and neither is this witness. It's after 4:00
 6 p.m. She'd have to get a substitute for her class, and
 7 there's really no reason for the deposition to continue. If
 8 you have any questions that you can propound in the form of
 9 written interrogatories, maybe that would be a more
 10 economical use of time and get you the answers that you're
 11 looking for. That might be more productive.
 12 MS. LARKINS: I believe I've propounded written
 13 discovery to you before, Kelly, and I did not find that --
 14 MS. ANGELL: Please, don't call me by my first
 15 name.
 16 MS. LARKINS: Okay. Ms. Angell, I believe that I
 17 got -- I remember I gave you 20, what was it, special
 18 interrogatories, and I got 20 objections back. So I don't
 19 think I will be taking that tactic.
 20 When would you like to continue it?
 21 MS. ANGELL: Ms. Watson, do you need to check a
 22 schedule to know when you will be able to appear?
 23 THE WITNESS: Yes, I need to check a schedule.
 24 MS. ANGELL: Okay.
 25 THE WITNESS: I need to see what I have planned

Page 158

1 for next week.
 2 MS. ANGELL: Can you check that schedule on Monday
 3 and be in contact with me so I can --
 4 THE WITNESS: Yes.
 5 MS. ANGELL: -- provide dates --
 6 THE WITNESS: Yes.
 7 MS. ANGELL: -- to Ms. Larkins by the end of the
 8 day on Monday?
 9 THE WITNESS: Yes, I will do that.
 10 MS. ANGELL: Okay. How about that?
 11 MS. LARKINS: That's fine with me.
 12 MS. ANGELL: All right. So I'll provide some
 13 dates for a continuation of this deposition by the end of
 14 business on Monday, May 3rd.
 15 MS. LARKINS: Sounds good to me. Is that okay
 16 with you, Mr. Hersh?
 17 MR. HERSH: We're going to provide dates by May
 18 5th?
 19 MS. ANGELL: I'm going to provide dates that
 20 Ms. Watson would be available for a second volume of this
 21 deposition. I'm going to provide that in writing by the end
 22 of the day on Monday, May 3rd, this coming Monday. She needs
 23 to go and check her calendar.
 24 MR. HERSH: And I just -- before we -- we're still
 25 on the record, right?

Page 159

1 MS. ANGELL: Yes.
 2 MR. HERSH: I would I guess just make it clear
 3 that it would be my intent to participate by telephone as I
 4 did today on any further deposition -- continued date of this
 5 deposition.
 6 MS. ANGELL: I have no objection to that.
 7 MS. LARKINS: Well, I guess we're ready to
 8 conclude.
 9 THE VIDEOGRAPHER: Going off the record. This
 10 concludes Volume I of the videotaped deposition of Linda Mae
 11 Watson. Today's deposition has been recorded on a total of
 12 three digital videotapes. Videographics will retain custody
 13 of the original videotapes. We're off the record. The time
 14 now is 5:02 p.m.
 15 (After discussion among the various parties, it
 16 was agreed that the original deposition transcript will be
 17 sent to Ms. Angell, who will provide it to the deponent for
 18 review and signature within 30 days of receipt; that
 19 Ms. Larkins will receive a certified copy of the transcript;
 20 that once the original deposition is signed it will be
 21 retained by Ms. Angell; that a certified copy will be
 22 sufficient evidence of the record of the deposition and can
 23 be used for all purposes; and that a facsimile of the
 24 signature line will be usable for all purposes.)
 25 ///

Page 160

1 (The deposition was concluded at 5:07 p.m.)
 2 * * * * *
 3 I, LINDA M. WATSON, swear under penalty of perjury
 4 that I have read the foregoing, and that it is true and
 5 correct, to the best of my knowledge and belief.
 6 Signed on this day of , 2004,
 7 at
 8 (City) (State)
 9
 10 LINDA M. WATSON
 11
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Page 161

1 STATE OF CALIFORNIA)
) ss.
 2 COUNTY OF SAN DIEGO)
 3 I, Claudia A. Witt, a Certified Shorthand Reporter,
 4 Certificate No. 10797, do hereby certify that the witness in
 5 the foregoing deposition was by me first duly sworn to
 6 testify to the truth, the whole truth, and nothing but the
 7 truth in the foregoing cause; that the deposition was then
 8 taken before me at the time and place herein named; that said
 9 deposition was reported by me in shorthand, and then
 10 transcribed through computer-aided transcription under my
 11 direction, and that the foregoing transcript contains a true
 12 record of the testimony of said witness.
 13 I do further certify that I am a disinterested person
 14 and am in no way interested in the outcome of this action, or
 15 connected with or related to any of the parties in this
 16 action or to their respective counsel.
 17 IN WITNESS WHEREOF, I have hereunto set my hand on this
 18 10th day of May, 2004.
 19
 20
 21
 22 CLAUDIA A. WITT
 23 Certificate No. 10797
 24
 25

(The deposition was concluded at 5:07 p.m.)

* * * * *

I, LINDA M. WATSON, swear under penalty of perjury
that I have read the foregoing, and that it is true and
correct, to the best of my knowledge and belief.

Signed on this 25 day of July, 2004,
at San Diego, California.
(City) (State)

Linda M. Watson
LINDA M. WATSON

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

MAURA LARKINS,

Plaintiff,

vs.

*
*
*
*
*
* Case No. GIC 781970
*

RICHARD T. WERLIN, etc.,
et al.,

Defendants.*
*

DEPOSITION OF TERESA COFFEY
Taken at San Diego, California
November 8, 2004

T. A. Martin, CSR
Certificate No. 3613

COMPLIMENTARY

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 2	Page 4
<p>1 2 I-N-D-E-X 3 DEPOSITION OF TERESA COFFEY PAGE November 8, 2004</p> <p>4 Examination by Ms. Larkins 5</p> <p>5 Examination by Ms. Angell 95</p> <p>6 EXHIBITS: PAGE</p> <p>7 1 Copy of a Star News article 10 August 20, 2004, two pages</p> <p>8 3 Two-page bilingual flier 57</p> <p>9 INSTRUCTION NOT TO ANSWER LINE/PAGE</p> <p>10 1 10 23 19</p> <p>11 1 24 12 12 30</p> <p>13 9 33 6 65</p> <p>14 2 82 25 82</p> <p>15 RECORD MARKED AT THE REQUEST OF MS. ANGELL LINE/PAGE</p> <p>16 23 17</p> <p>17 18 19 20 21 22 23 24 25</p>	<p>1 VIDEOGRAPHER: This is the deposition of Teresa</p> <p>2 Coffey being taken on behalf the plaintiff in the matter</p> <p>3 of Maura Larkins versus Richard T. Werlin, etcetera, et</p> <p>4 al., San Diego Superior Court Case No. GIC 781970. This</p> <p>5 deposition is being held in the offices of San Diego</p> <p>6 Court Reporting located at 319 Elm Street, Suite 100, San</p> <p>7 Diego, California. Today is Monday, November 8, 2004,</p> <p>8 and the time now 10:17 a.m. My name is Gregg Eisman.</p> <p>9 I'm the Legal Video Specialist with Videographics, 1903</p> <p>10 30th Street, San Diego, California. The Certified</p> <p>11 Shorthand Reporter is Tadzia Martin of San Diego Court</p> <p>12 Reporting.</p> <p>13 For the video record, would counsel please state</p> <p>14 their appearances.</p> <p>15 MS. LARKINS: Maura Larkins, plaintiff in pro</p> <p>16 per.</p> <p>17 MS. ANGELL: Kelly Angell for Robin Donlan and</p> <p>18 Linda Watson.</p> <p>19 MR. HERSH: Michael Hersh on behalf of the</p> <p>20 association defendants.</p> <p>21 VIDEOGRAPHER: Would the reporter please swear</p> <p>22 the witness.</p> <p>23 (Whereupon, the witness was duly sworn.)</p> <p>24 25</p>
Page 3	Page 5
<p>1 DEPOSITION OF TERESA COFFEY</p> <p>2 Pursuant to Notice to Take Deposition, and on</p> <p>3 the 8th day of November, 2004, commencing at the hour of</p> <p>4 10:00 o'clock a.m., at 319 Elm Street, Suite 100, in the</p> <p>5 City and County of San Diego, State of California, before</p> <p>6 me, T. A. Martin, Certified Shorthand Reporter in and for</p> <p>7 the State of California, personally appeared:</p> <p>8 TERESA COFFEY,</p> <p>9 who, called as a witness by the Plaintiff, being by me</p> <p>10 first duly sworn, was thereupon examined as a witness in</p> <p>11 said cause.</p> <p>12 APPEARANCES</p> <p>13 For the Plaintiff: MAURA LARKINS</p> <p>14 1935 Autocross Court</p> <p>15 El Cajon, California 92109</p> <p>16 (In Propria Persona)</p> <p>17 For Chula Vista CALIFORNIA TEACHERS ASSOCIATION</p> <p>18 Educators, California By: MICHAEL HERSH</p> <p>19 Teachers Association, 11745 East Telegraph Road</p> <p>20 Virginia Boyd and Post Office Box 2153</p> <p>21 Timothy O'Neil: Santa Fe Springs, California 90670</p> <p>22 (Appearing telephonically.)</p> <p>23 For Robin Donlan STUTZ, ARTIANO, SHINOFF & HOLTZ</p> <p>24 and Linda Watson: By: KELLY R. ANGELL</p> <p>25 401 West "A" Street, 15th Floor</p> <p>San Diego, California 92101</p> <p>Videographer: Gregg Eisman, Videographics</p>	<p>1 EXAMINATION BY MS. LARKINS:</p> <p>2 Q. Good morning.</p> <p>3 A. Morning.</p> <p>4 Q. Do you understand why we're here today?</p> <p>5 A. Not exactly.</p> <p>6 Q. Okay. Let me try to explain it. I have sued</p> <p>7 Linda Watson and Robin Donlan and California Teachers</p> <p>8 Association -- actually, I don't think California</p> <p>9 Teachers Association is still in this. I'm not sure --</p> <p>10 and Gina Boyd and Tim O'Neil and Chula Vista Educators.</p> <p>11 And my lawsuit -- my case is based on events that</p> <p>12 happened in Chula Vista Elementary School District and</p> <p>13 Castle Park Elementary School before and after I was</p> <p>14 taken out of my classroom in 2001.</p> <p>15 Do you have any other questions about why we are</p> <p>16 here?</p> <p>17 A. No.</p> <p>18 Q. Okay. So you have a pretty good understanding</p> <p>19 of why we're here?</p> <p>20 A. I understand what you said.</p> <p>21 Q. Okay. I want to find out what you know about</p> <p>22 events at Castle Park Elementary School and Chula Vista</p> <p>23 Elementary School District related to my loss of my</p> <p>24 career.</p> <p>25 Are you feeling well today?</p>

2 (Pages 2 to 5)

SAN DIEGO COURT REPORTING SERVICE
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Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 6

1 A. Yes.
2 Q. Okay. Are you able to give your best testimony
3 today?
4 A. I believe so.
5 Q. Okay. Can you think of any reason why you might
6 not be able to give your best testimony?
7 A. No, no reason.
8 Q. Okay. Let's just back up and start about -- ask
9 some questions about your education and employment. Can
10 you tell me were you graduated from high school?
11 A. Dearborn, Michigan, Dearborn High School.
12 Q. And what year was that?
13 A. '75.
14 Q. Okay. And what did you do after that as far as
15 education or employment?
16 A. Generally speaking?
17 Q. Did you go to College after that?
18 A. No. I went in the Navy.
19 Q. Okay. And where were you stationed in the Navy?
20 A. I was in Texas and then San Diego.
21 Q. Okay. And how many years were you in the Navy?
22 A. Four.
23 Q. Okay. And after you left the Navy, what did you
24 do then as far as education or employment?
25 A. I had some unskilled jobs, like office work, and

Page 7

1 then I went to college.
2 Q. Okay. Where were you employed when you were
3 doing the office work?
4 A. I was -- for a time I worked for the City of
5 Imperial Beach, and then I worked for Southwood Hospital
6 when it used to be Southwood Hospital.
7 Q. Uh-huh. What was your job in Imperial Beach?
8 A. General office work.
9 Q. And how about at Southwood?
10 A. General office -- well, both of them are
11 specific to personnel departments.
12 Q. Okay.
13 A. You're asking me to remember a long time ago.
14 Q. I know. When they asked me these questions at
15 my administrative hearing I was struggling a little bit
16 to remember all the years.
17 A. It seems like I've always been a teacher.
18 Q. Okay. Then -- I'm sorry. I think you told me
19 what you did after Southwood, but I forget.
20 A. That's when I started college.
21 Q. Okay. What college did you go to?
22 A. Well, I went to Southwestern Community College
23 at first, then San Diego State University.
24 Q. Okay. When did you graduate from San Diego
25 State?

Page 8

1 A. Somewhere around '86, '87. I don't have those
2 dates memorized. I'd have to look.
3 Q. I'm bad on that, too. I wouldn't -- well,
4 actually I guess I would know.
5 MS. ANGELL: Move to strike. No question
6 pending. And that would be the comments by Mrs. Larkins
7 after the response that I was referring to.
8 BY MS. LARKINS:
9 Q. Okay. Actually, now that I think of it, I'm a
10 little curious. You really don't remember what year you
11 graduated from college?
12 MS. ANGELL: Objection. Argumentative; asked
13 and answered.
14 BY MS. LARKINS:
15 Q. Okay. All right. When did you get your
16 teaching credential?
17 A. Somewhere around that same time.
18 Q. Okay. And after you got your teaching
19 credential, what did you do?
20 A. Began working as a teacher.
21 Q. Okay. At what school?
22 A. My first job was Chula Vista Hills.
23 Q. Do you remember what year you began teaching at
24 Chula Vista hills?
25 A. Right around that same time. As soon as I got

Page 9

1 my credential, I became employed.
2 Q. Okay. And can you just give me a ballpark
3 figure for that -- the year of that?
4 A. The same that I said. Somewhere around '87.
5 Q. Okay.
6 MS. ANGELL: Excuse me. Just for clarification,
7 I think that you all may know what you're talking about,
8 but for the record Chula Vista Hills is an elementary
9 school?
10 THE WITNESS: It is. In the same district.
11 MS. ANGELL: In the Chula Vista Elementary
12 School District?
13 THE WITNESS: Uh-huh.
14 MS. ANGELL: Thank you.
15 BY MS. LARKINS:
16 Q. Who was your principal at Chula Vista Hills?
17 A. Cheryl Cox.
18 Q. How many years did you teach there?
19 A. Around five.
20 Q. Okay. Was she your principal the entire time?
21 A. No.
22 Q. Who else was your principal at Chula Vista
23 Hills?
24 A. There was a lady named Martha Villafranca.
25 Q. Okay. And was she a good principal?

3 (Pages 6 to 9)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 10</p> <p>1 MS. ANGELL: Objection. This is -- I'm -- this 2 line of questioning that you're seeking to go into 3 concerning this witness's opinions about her supervisors, 4 former supervisors, current supervisors is not, in my 5 understanding, relevant to the allegations in this 6 litigation. So if you'd like to make an offer of proof, 7 we can discuss it further. But in the absence of an 8 offer of proof, I'm going to instruct the witness not to 9 answer, 10 MS. LARKINS: Okay. Well, I would like to try 11 to make an offer of proof. 12 This witness -- actually, what I'd like to do is 13 I'd like to put a document into evidence. 14 MS. ANGELL: So the question is then withdrawn? 15 MS. LARKINS: Yes. 16 MS. ANGELL: Okay. 17 MS. LARKINS: I'd like to ask that this document 18 be labeled Exhibit 1. 19 (Exhibit 1 marked for identification.) 20 BY MS. LARKINS: 21 Q. Ms. Coffey, does this exhibit look familiar to 22 you? 23 A. Uh-huh. Sure. 24 Q. Can you tell me what it is? 25 A. It's an article from the Star News.</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. LARKINS: Actually -- 2 MS. ANGELL: I don't see how he can follow along 3 if he doesn't know what you're referring to in your 4 exhibits since he can't see them. 5 MS. LARKINS: You know what? I think I'll just 6 go ahead and offer my proof first, and then I'll get back 7 to this document. 8 This witness has brought herself to the 9 attention of the media in an effort to reverse a decision 10 by the principal of Castle Park Elementary School and the 11 superintendent of Chula Vista Elementary School District 12 to reassign five teachers at Castle Park Elementary 13 School. This witness has injected herself very much for 14 many years into the power structure of Castle Park 15 Elementary School and possibly other schools. I am 16 seeking to prove that her political and personal 17 motivations regarding her friends and political 18 associates at the school caused her to engage in 19 concerted efforts to destroy the careers of a number of 20 people, myself among them, and I want to know all about 21 her efforts to destroy the careers of Ollie Matos, 22 Lowell Billings, and a number of other individuals who 23 have been employed by Chula Vista Elementary School 24 District. Okay. 25 Now, I'd like to get back --</p>
<p style="text-align: right;">Page 11</p> <p>1 MS. ANGELL: Excuse me. I'm going to instruct 2 the witness that the question concerning familiarity 3 means have you seen this before, not what does this look 4 like to you today. So she's asking you about what your 5 knowledge of this document is. So if you have seen it 6 before and it's familiar to you on that basis, then it 7 is. 8 THE WITNESS: Yes. 9 MS. ANGELL: Do you understand the difference? 10 THE WITNESS: Yes, sort of. But, yes, I'm 11 familiar with it. I'm not sure where we are going with 12 that. 13 MS. LARKINS: Okay. I'm going to take a moment 14 now to offer my proof for the necessity of a line of 15 questioning about the witness's opinions and 16 relationships with principals and other fellow employees. 17 MS. ANGELL: Before you do you that, since we 18 have someone appearing telephonically, did you already 19 state a description of what this exhibit is so maybe he 20 can follow along. 21 MR. HERSH: Thank you. 22 MS. LARKINS: This -- did you want me to state 23 it? 24 MS. ANGELL: If you want to lay a foundation for 25 the document or anything like that --</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. HERSH: If I can for the record state an 2 objection, Ms. Larkins. This is Michael Hersh. 3 Ms. Coffey, you and I have never met, but I am 4 an attorney with the California Teachers Association, and 5 I'm representing the Chula Vista Educators in an unfair 6 practice charge proceeding that is related to the 7 transfer of you and the four others from Castle Park. 8 MS. ANGELL: Excuse me. 9 THE WITNESS: I wasn't transferred. 10 MR. HERSH: You were not? 11 THE WITNESS: No, no. I'm still there. 12 MR. HERSH: Okay. But nonetheless, my objection 13 is that any questions that go to the grievance that has 14 been filed or the reasons why CVE -- Chula Vista 15 Educators -- have filed a grievance, I would just advise 16 you is a matter that is confidential and I believe 17 protected by the First Amendment right to association. 18 So if you're asked any questions along those lines, would 19 you please pause and give me an opportunity to object 20 further if I need to. 21 THE WITNESS: Absolutely. 22 Now, let me make sure I understand you. 23 Anything that has to do with the reassignment of the five 24 teachers, those are the questions you want me to pause 25 before?</p>

4 (Pages 10 to 13)

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Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 14</p> <p>1 MR. HERSH: No, I'm only concerned, Teresa, 2 about any knowledge you might have concerning internal 3 deliberations of the Chula Vista Educators as to the 4 merits of that matter. 5 If you have personal knowledge apart from -- you 6 know, with the Chula Vista Educators, I don't have any 7 objection to you answering questions on that basis other 8 than relevancy. 9 THE WITNESS: Okay. I'm not 100 percent clear, 10 but we'll give it a shot. 11 MS. ANGELL: It's not for you interpret. The 12 bottom line is please just take an extra moment to 13 pause -- since we have telephonic, I don't know how long 14 the delay is -- before answering to give counsel an 15 opportunity to object. 16 THE WITNESS: Good enough. 17 MS. LARKINS: Mr. Hersh, you have raised a 18 question in my mind. You said you're representing CTA in 19 an unfair practices lawsuit? 20 MR. HERSH: No. I said I am a CTA attorney. 21 I'm representing CVE. 22 MS. LARKINS: Okay. You're representing CVE in 23 an unfair practices lawsuit? 24 MR. HERSH: It's an unfair practice charge. 25 MS. LARKINS: An unfair practice charge?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. Did you tell him that you didn't want to 2 be quoted by name? 3 MS. ANGELL: I'm going to object to this entire 4 line of questioning concerning events that occurred in 5 August of 2004 and forward related to the transfer of 6 teachers at Castle Park Elementary School as not being 7 calculated to lead to the discovery of admissible 8 evidence. 9 MR. HERSH: And I will join in that objection. 10 MS. LARKINS: Are you instructing your client 11 not to answer the question? 12 MS. ANGELL: When I have instructed her not to 13 answer, you'll know because I will say it out loud. 14 MS. LARKINS: Okay. 15 Q. Did you ask Kelley Dupuis not to quote you by 16 name for this article? 17 A. No, I didn't. 18 Q. Okay. Does your photo appear in this article? 19 A. Yes, it does. 20 Q. Can you tell me where your photo appears? 21 A. On the bottom of the front page. 22 Q. Okay. There is a photo here of several 23 individuals, and there is a person on the right side of 24 the photo holding a sign that says "Castle Park 25 Supports." Is that your photo there?</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. HERSH: Related to the transfer of the five 2 teachers from Castle Park that you're referring to. 3 MS. LARKINS: Oh. 4 MR. HERSH: It has not yet been filed, but I'm 5 representing them in that matter. 6 MS. LARKINS: Oh. May I ask you, Mr. Hersh, are 7 you representing CVE regarding Labor Code 432.7 8 violations? 9 MR. HERSH: In this case you mean? 10 MS. LARKINS: Yes. 11 MR. HERSH: Of course. 12 MS. LARKINS: Okay. I think I understand. 13 Q. Okay. Ms. Coffey, is Exhibit No. 1 a copy of a 14 newspaper article? 15 A. Yes. 16 Q. And what is the publication that published this 17 article? 18 A. The Star News. 19 Q. Okay. You can tell me the date on it? 20 A. August 20, 2004. 21 Q. Have you ever read this article before? 22 A. Yes, I have. 23 Q. Okay. Did you talk to the reporter Kelley 24 Dupuis before he wrote this article? 25 A. Yes, I did.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes. 2 Q. Can you tell me why you -- did you attend the 3 demonstration that is discussed in this article? 4 MS. ANGELL: Objection. Relevance. 5 MS. LARKINS: You can answer. 6 MS. ANGELL: If it's public knowledge, if you 7 discussed it with the newspaper reporter, I've made my 8 objection that this is not very relevant to the 9 litigation. 10 THE WITNESS: All right. 11 Yes. Uh-huh. 12 BY MS. LARKINS: 13 Q. Okay. What was your reason for attending this 14 demonstration? 15 A. To show support for my colleagues who were being 16 transferred. 17 Q. And were you there to support all five of them? 18 MS. ANGELL: Objection. Relevance. 19 Do you want to do another stipulation that I'm 20 objecting on relevance for all of these so I don't have 21 to say it for every single one? 22 MS. LARKINS: Yes, let's do that. 23 MS. ANGELL: Okay. So we stipulate that I have 24 an objection for relevance on every question that you ask 25 during this deposition proceeding today, correct?</p>

5 (Pages 14 to 17)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 18	Page 20
<p>1 MS. LARKINS: Yes. So stipulated. 2 Do you want to so stipulate, Mr. Hersh? 3 MR. HERSH: Yes, and I would like to join in the 4 stipulation as an objector as well. 5 MS. LARKINS: So stipulated. 6 Q. I'm sorry. Did you say that you were there to 7 support all of them? 8 A. I didn't say, but, yes, I was. 9 Q. Okay. I noticed that your sign that you were 10 carrying only stated the name of Ms. Singleton. Did you 11 feel particularly aggrieved on her behalf? 12 MS. ANGELL: Objection. Mrs. Larkins is 13 testifying. 14 If you'd like to ask questions about what is in 15 the picture, about what was in the sign, that is 16 something else, but you're attempting to give testimony, 17 and I'm going to object on that basis. I also want to 18 let you know that I'm going to give you a little bit of 19 latitude on this subject matter, but not a lot, seeing as 20 how this is not relevant to the litigation. We will go 21 down this path for a little while, and if you link it in 22 some way to any of your allegations, then -- and there is 23 some sort of proof, because your purported offer of proof 24 did not link this topic to this litigation. So you'll 25 have a little bit of latitude. My refraining from</p>	<p>1 employment and not giving her opinions concerning 2 supervisors' decisions. If she has any facts that you 3 wish to ask her if she knows about concerning that, 4 unless and until you make an offer of proof of how this 5 transfer and how her attending some sort of public thing 6 in relation to it in 2004 has to do with the allegations 7 in your sixth th amended complaint, I'm going to instruct 8 her not to answer. 9 MS. LARKINS: Okay. Your objection to me seems 10 patently absurd. This witness went and demonstrated in 11 front of the district against her direct supervisor and 12 the superintendent of the district. She obviously was 13 not concerned then about any sort of retaliation that 14 might occur toward her. And so why would she be 15 concerned now, given that several months have passed? 16 Let's see. Almost three months have passed and she's -- 17 there has been no retaliation against her. Why would she 18 expect any now? 19 MS. ANGELL: You're seeking to elicit comments 20 and opinions from this witness about her current 21 supervisors and the administration of the district where 22 she's employed, and she's not going to give them unless 23 you make an offer of proof and you demonstrate to me why 24 that's relevant to the allegations that in September of 25 2000 somebody had information about you and passed that</p>
Page 19	Page 21
<p>1 instructing this witness not to answer at this point is 2 not any kind of admission that this stuff is relevant, 3 but I want to in good faith give you an opportunity to 4 show how it is relevant. 5 MS. LARKINS: Thank you. 6 Q. What did the sign -- did you carry a sign at 7 this demonstration? 8 A. Yes. 9 Q. What did your sign say? 10 A. This one right here? 11 Q. Yes. 12 A. "Castle Park Supports Miss Singleton." 13 Q. Did you carry any other signs at that 14 demonstration? 15 A. Probably. Yes. 16 Q. Do you have any memory of what those other signs 17 might have said? 18 A. Well, I know that we made one for each -- at 19 least one for each of the five teachers that were being 20 transferred. 21 Q. Okay. And why did you object to these 22 transfers? 23 MS. ANGELL: Objection. This witness is a 24 current employee of the Chula Vista Elementary School 25 District. She has an interest in maintaining her</p>	<p>1 around. 2 If you would like to establish whether this 3 witness had any information about that and perhaps link 4 that to why she did or didn't take action on your behalf, 5 something like that, and we show that it's somehow 6 relevant, then the objection -- I would need to look at 7 the objection again; however, there's not been any 8 evidence of that. 9 MS. LARKINS: Ms. Angell, I am concerned that 10 you are putting words in this witness's mouth, claiming 11 that she is afraid of retaliation, and I would like to 12 ask this witness if she is indeed afraid of retaliation. 13 MS. ANGELL: That's a very broad question. If 14 you want to be specific -- the witness is under 15 testimony, she's under oath, and anything that's relevant 16 to the litigation, to your litigation, she'll answer. 17 However, your questions about her opinions about 18 administrators, about the righteousness or wrongfulness 19 about transfer of other employees that has nothing to do 20 with your case is not relevant and she's not going to 21 answer. 22 BY MS. LARKINS: 23 Q. Ms. Coffey -- 24 MS. ANGELL: Let me just clarify why she's not. 25 Because these depositions that you have noticed is</p>

6 (Pages 18 to 21)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 22

1 clearly your attempt to harass these employees and that's
2 not going to be allowed to occur.
3 MS. LARKINS: This employee has clearly
4 attempted to harass her principal and her superintendent
5 of her district. This is harassment. She has a legal
6 obligation to be here today and tell what she knows about
7 the events surrounding my removal from this school.
8 MS. ANGELL: So why don't you ask her something
9 about your removal from the school which occurred in
10 2001.
11 BY MS. LARKINS:
12 Q. Ms. Coffey, did you believe that the district
13 was wrong to remove me from my classroom in 2001?
14 MS. ANGELL: Objection. Vague and ambiguous.
15 What do you mean wrong? Do you mean legally wrong?
16 BY MS. LARKINS:
17 Q. Ms. Coffey, did you object to the district
18 removing me from my classroom in 2001?
19 A. I didn't have an opinion one way or the other.
20 Q. Ms. Coffey, what do you see as the difference
21 between the transfers of these five teachers to which you
22 objected vehemently and my being taken out of my
23 classroom in 2001?
24 MS. ANGELL: Objection. Assumes facts not in
25 evidence. You're assuming that this person was aware of

Page 23

1 what was going on in your life in 2001. Maybe you want
2 to lay a foundation and ask whether she was.
3 BY MS. LARKINS:
4 Q. Ms. Coffey, were you aware that I was taken out
5 of my classroom and placed on administrative leave in
6 2001?
7 A. Yes, I was aware of that.
8 Q. Did you think that was wrong?
9 A. I didn't know. I didn't have an opinion and I
10 still don't know what was behind the whole thing.
11 Q. Do you assume that -- did you assume that the
12 district must have had a good reason?
13 A. I didn't have an opinion one way or the other.
14 It didn't involve me. I was --
15 MS. ANGELL: You have answered the question.
16 THE WITNESS: Okay. Sorry.
17 BY MS. LARKINS:
18 Q. Did the transfer of these five teachers involve
19 you?
20 A. Yes.
21 Q. How did it involve you?
22 A. One was my team partner and she and the others
23 are good friends.
24 Q. So it's okay if someone who is not your friend
25 is removed?

Page 24

1 MS. ANGELL: Objection. Argumentative.
2 Don't answer it.
3 THE WITNESS: Okay.
4 BY MS. LARKINS:
5 Q. Ms. Coffey, do you believe teachers should
6 object when the district violates the law in its actions
7 against another teacher?
8 MS. ANGELL: Objection. Calls for a legal
9 conclusion; vague and ambiguous in its entirety; vague
10 and ambiguous as to time.
11 If you have a specific question concerning
12 yourself, maybe that would not be so objectionable.
13 MS. LARKINS: This is not asking for a legal
14 opinion. I want to know if Ms. Coffey believes that it
15 is objectionable for the school district to violate the
16 law in its actions against a teacher.
17 MS. ANGELL: How would this witness, who is not
18 an attorney, as far as I know, or a sheriff or any kind
19 of law enforcement person be able to make a decision as
20 to whether the school district has violated the law, as
21 you put it? That's what's vague and ambiguous about it.
22 MS. LARKINS: I did not ask this witness if the
23 school district had violated the law. I asked her does
24 she believe that it is objectionable for a school
25 district to violate the law against a teacher.

Page 25

1 THE WITNESS: I don't know how to answer that.
2 I don't understand the question.
3 BY MS. LARKINS:
4 Q. Okay. Let me see if I can help out here.
5 Do you think it would be objectionable if an
6 administrator walked up to a teacher and poured a gallon
7 of enamel red paint on her head? Would you object to
8 that?
9 A. Yes.
10 Q. Okay. Would you object if the district --
11 someone -- an administrator from the district came in to
12 a teacher's classroom and stole her wallet with \$100 in
13 it?
14 MS. ANGELL: Objection. Vague and ambiguous as
15 to "object." And this is totally not relevant. These
16 are incomplete hypotheticals. And if you want to ask
17 this witness about something that is relevant to this
18 case, let's get on with it.
19 BY MS. LARKINS:
20 Q. Do you believe that the district violated the
21 law in its actions against the five teachers whose
22 transfer you objected to?
23 A. I don't know.
24 MS. ANGELL: Objection. Relevance. This person
25 is not -- this person is not qualified in any way as a

7 (Pages 22 to 25)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 26</p> <p>1 legal expert. You're asking for something that calls for 2 expert testimony. 3 MS. LARKINS: No, I'm not. 4 MS. ANGELL: Yes, you are. You asked if she 5 believed that the district violated the law. She's not a 6 lawyer. Unless you want to lay a foundation that she is, 7 she doesn't have knowledge to answer that question. I'm 8 objecting on that basis. 9 MS. LARKINS: This witness went to the school 10 district and carried signs and -- her mouth is open in 11 this picture; it looks like she might be yelling. I want 12 to know if her motivation for doing this was because she 13 believed that the district had violated the law. 14 THE WITNESS: Well, I can tell you what my 15 motivation was. I wanted my friends to stay there. 16 That's all. I wanted my friends to stay. 17 BY MS. LARKINS: 18 Q. Did you want the principal to leave? 19 MS. ANGELL: Objection -- 20 THE WITNESS: That was not part of it -- 21 MS. ANGELL: Objection. 22 Don't answer until I've gotten my objection in. 23 THE WITNESS: Sorry. Sorry. 24 MS. ANGELL: Okay. This witness is not going to 25 testify as to her opinions and impressions of a principal</p>	<p style="text-align: right;">Page 28</p> <p>1 MS. LARKINS: Are you instructing her not to 2 answer? 3 MS. ANGELL: I'm asking you to ask her something 4 that has something to do with the allegations in this 5 litigation. 6 BY MS. LARKINS: 7 Q. Okay. Apparently your lawyer is not instructing 8 you not to answer. So would you tell me if you are 9 currently planning to have sixth th grade camp this year. 10 A. Yes, we are. 11 Q. Is the PTA -- let me ask another question. Are 12 you -- in this Exhibit 1, do you recognize the person on 13 the far left-hand side of the photo? 14 A. Yes. 15 Q. Can you tell me who that is? 16 A. Mrs. Star. 17 Q. Mrs. Star. And can you tell me what Mrs. Star's 18 relationship is to these five teachers? 19 MS. ANGELL: If you know. 20 THE WITNESS: Friends and colleagues. 21 BY MS. LARKINS: 22 Q. How is Mrs. Star a colleague? 23 MS. ANGELL: Vague and ambiguous. 24 BY MS. LARKINS: 25 Q. What do you mean when you say that they are</p>
<p style="text-align: right;">Page 27</p> <p>1 who is at this school. It's not relevant; it's not 2 reasonably calculated to lead to the discovery of 3 admissible evidence and she's not giving you that 4 testimony, so please move on to another topic. 5 MS. LARKINS: Well, that's fine. Actually it's 6 perfectly obvious that she wanted the principal to leave. 7 MS. ANGELL: Objection. Move to strike. No 8 question pending. 9 BY MS. LARKINS: 10 Q. Ms. Coffey, are you currently trying to sabotage 11 the educational program at Castle Park Elementary School? 12 MS. ANGELL: Objection. Argumentative. 13 You can answer. 14 THE WITNESS: Absolutely not. 15 BY MS. LARKINS: 16 Q. Did you tell your classroom that there would be 17 no sixth grade camp because you were angry at the 18 principal? 19 A. I did not. 20 Q. Are you currently planning to have sixth grade 21 camp this year? 22 MS. ANGELL: Objection. Not relevant. What 23 she's doing this year has nothing to do with your 24 allegations that people were talking about you in 25 September of 2000.</p>	<p style="text-align: right;">Page 29</p> <p>1 colleagues? 2 A. She -- 3 MS. ANGELL: With whom? Excuse me. I don't 4 even understand the question. Who are you talking about? 5 MS. LARKINS: I asked this witness about the 6 relationship between Ms. Star and these five teachers who 7 were transferred. 8 MS. ANGELL: Okay. You're pointing to a 9 document, but you don't have anything in the record about 10 four teaches who were transferred. It's going to be 11 really hard to read this transcript. 12 MS. LARKINS: Please try to ignore my hands. 13 Please just focus on what I say. 14 MS. ANGELL: I have been, and what you have said 15 is vague and ambiguous and confusing. And when we try 16 and go back and read this record later, it's going to be 17 a big mess because you haven't said who you're asking the 18 questions about. 19 BY MS. LARKINS: 20 Q. Ms. Coffey, what did you mean when you said they 21 are colleagues? 22 A. Can I ask for that to be repeated, because I 23 don't know exactly what I said. 24 Q. Okay. Let me ask another question. What is the 25 relationship between Ms. Star and the five teachers who</p>

8 (Pages 26 to 29)

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Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 30</p> <p>1 were recently transferred?</p> <p>2 MS. ANGELL: Vague and ambiguous. The five</p> <p>3 teachers who were recently transferred, do you want to</p> <p>4 say who they were? And if you want to ask about all five</p> <p>5 together, then I'm going to object as compound and</p> <p>6 conjunction, vague and ambiguous. This person -- if you</p> <p>7 want to ask it maybe one person at a time or if she</p> <p>8 knows -- if she has knowledge on that topic of them as a</p> <p>9 group perhaps?</p> <p>10 MS. LARKINS: Are you instructing her not to</p> <p>11 answer the question?</p> <p>12 MS. ANGELL: Yeah. Unless she understands how</p> <p>13 to answer a question about I don't know who, several</p> <p>14 different people that you haven't identified, I don't</p> <p>15 know how she's supposed to answer that question.</p> <p>16 BY MS. LARKINS:</p> <p>17 Q. Do you understand the question?</p> <p>18 A. Not exactly.</p> <p>19 Q. Tell me what is Felicia's -- withdrawn, question</p> <p>20 withdrawn.</p> <p>21 Is this woman's name Felicia Star?</p> <p>22 A. Yes.</p> <p>23 Q. What is her relationship to you?</p> <p>24 A. She's -- we don't really have a relationship.</p> <p>25 She has children at the school where I work.</p>	<p style="text-align: right;">Page 32</p> <p>1 your tenure at Chula Vista Hills Elementary School. Did</p> <p>2 you have any principals at Chula Vista Hills other than</p> <p>3 the two you have already named?</p> <p>4 A. I didn't work for any other principal than those</p> <p>5 two at Chula Vista Hills.</p> <p>6 Q. Okay. Why did you leave Chula Vista Hills?</p> <p>7 A. At the time I needed foot surgery and it was</p> <p>8 also just a time for a change.</p> <p>9 Q. Okay. Can you explain to me how the foot</p> <p>10 surgery made you want to change schools?</p> <p>11 A. No.</p> <p>12 MS. ANGELL: I'm going to object on the basis of</p> <p>13 this witness's right to privacy and her medical history</p> <p>14 and status. This person is not a defendant in this</p> <p>15 matter, and you have no right to invade her privacy</p> <p>16 concerning her medical status. I would ask that you</p> <p>17 please refrain from asking questions on that issue, and</p> <p>18 advise the witness that she need not respond to questions</p> <p>19 concerning her medical status.</p> <p>20 BY MS. LARKINS:</p> <p>21 Q. Okay. Well, we will just leave it that you</p> <p>22 changed schools because you had foot surgery and it was</p> <p>23 time for a change. And that will be where we will leave</p> <p>24 the medical questions.</p> <p>25 Did you have a conflict with your principal at</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. On the day of this demonstration, did you</p> <p>2 speak to her?</p> <p>3 A. Probably, yeah.</p> <p>4 Q. How about how many people were at this</p> <p>5 demonstration?</p> <p>6 A. I really couldn't say that. I can't remember.</p> <p>7 Q. Was it closer to five or 50?</p> <p>8 A. It wasn't close to either one of those.</p> <p>9 Q. Was it more than 50?</p> <p>10 A. No.</p> <p>11 Q. Okay. Well, I can see that it was -- I can see</p> <p>12 five people right here.</p> <p>13 MS. ANGELL: Objection. Move to strike.</p> <p>14 Plaintiff again is testifying.</p> <p>15 If you'd like to ask a question for the witness,</p> <p>16 perhaps she could answer it.</p> <p>17 BY MS. LARKINS:</p> <p>18 Q. Was the number of people at this demonstration</p> <p>19 closer to six or closer to 40?</p> <p>20 A. Oh, geez. I would say probably somewhere around</p> <p>21 20 or 25.</p> <p>22 Q. Was Robin Donlan at that demonstration?</p> <p>23 A. I don't remember.</p> <p>24 Q. I'd like to go back and ask you -- we got off on</p> <p>25 the topic of principals when I was talking to you about</p>	<p style="text-align: right;">Page 33</p> <p>1 Chula Vista Hills?</p> <p>2 MS. ANGELL: Objection. Not relevant. This</p> <p>3 witness is not going to testify as to her interactions,</p> <p>4 opinions, etcetera, concerning her supervisors and her</p> <p>5 principals no matter how many times or in how many</p> <p>6 different ways you ask the question.</p> <p>7 MS. LARKINS: So you are instructing her not to</p> <p>8 answer?</p> <p>9 MS. ANGELL: On those issues, yes, until you</p> <p>10 give me an offer of proof that shows how that is relevant</p> <p>11 to any allegation in your litigation.</p> <p>12 MS. LARKINS: Okay. Fine.</p> <p>13 Q. What school did you go to when you left Chula</p> <p>14 Vista Hills?</p> <p>15 A. I spent a year between -- half and half time at</p> <p>16 Palomar and Valle Lindo.</p> <p>17 MS. ANGELL: Excuse me. Are those both</p> <p>18 elementary schools?</p> <p>19 THE WITNESS: Yes, they are, in the district.</p> <p>20 Half time at each.</p> <p>21 BY MS. LARKINS:</p> <p>22 Q. Okay. Am I to understand that on the same day</p> <p>23 you worked at both schools, or did you work like half a</p> <p>24 year at one and half a year --</p> <p>25 A. Half a week.</p>

9 (Pages 30 to 33)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 34	Page 36
<p>1 Q. Half a week. Okay.</p> <p>2 A. Two and a half days at each.</p> <p>3 Q. Okay. So you immediately -- did you take any</p> <p>4 time off of work between Chula Vista Hills and this job,</p> <p>5 these two half-time jobs?</p> <p>6 A. Yes.</p> <p>7 Q. How much time did you take off of work?</p> <p>8 A. Several months. I can't remember exactly.</p> <p>9 Q. Okay. Did you leave Chula Vista Hills in the</p> <p>10 middle of a school year?</p> <p>11 A. No.</p> <p>12 Q. You left at the end of the school year?</p> <p>13 A. No, I left at the beginning of a school year.</p> <p>14 Q. Okay. So you taught for a short while at the</p> <p>15 beginning of a school year?</p> <p>16 A. To the best of my memory, yes.</p> <p>17 Q. Okay.</p> <p>18 MS. ANGELL: I'm sorry. What year are you</p> <p>19 talking about? In the eighties?</p> <p>20 THE WITNESS: We are talking about the year that</p> <p>21 I left Chula Vista Hills. So you know me and years. I</p> <p>22 can't give you the year. I'm not good at that. I have</p> <p>23 it written down.</p> <p>24 MS. ANGELL: Thank you.</p> <p>25</p>	<p>1 really important here is that the witness understands the</p> <p>2 question before she answers it. And if I don't</p> <p>3 understand the question, I'm going to guess that the</p> <p>4 witness doesn't understand the question, and I need to be</p> <p>5 certain that she knows what she's saying when she answers</p> <p>6 your questions, because the purpose of this deposition is</p> <p>7 to find out what the facts are. So if she doesn't</p> <p>8 understand your question, she can't give you the facts.</p> <p>9 MS. LARKINS: I'm not going to continue on that</p> <p>10 line of questioning.</p> <p>11 Q. When you arrived at Castle Park, who were the</p> <p>12 other sixth grade teachers?</p> <p>13 A. Mrs. Brockhausen, and there was a -- it was a</p> <p>14 combo five/six with Ms. Acevedo.</p> <p>15 Q. Did you soon after you arrived at Castle Park --</p> <p>16 say, within a few months -- become acquainted with all of</p> <p>17 the upper grade teachers?</p> <p>18 A. Became acquainted?</p> <p>19 Q. Uh-huh.</p> <p>20 A. Probably, yeah, I would say.</p> <p>21 Q. And can you tell me who the fourth and fifth</p> <p>22 grade teachers were if you remember?</p> <p>23 MS. ANGELL: You mean the first year she was</p> <p>24 there?</p> <p>25 MS. LARKINS: I believe I said within a few</p>
Page 35	Page 37
<p>1 BY MS. LARKINS:</p> <p>2 Q. And then what did you do after the year where</p> <p>3 you taught at Valle Lindo and Palomar?</p> <p>4 A. After I taught at Valle Lindo and Palomar I was</p> <p>5 hired at Castle Park.</p> <p>6 Q. Okay. And who was the principal when you</p> <p>7 arrived at Castle Park?</p> <p>8 A. Oscar --</p> <p>9 Q. Perez?</p> <p>10 A. Was that his last name? Mr. Perez. Yeah, I</p> <p>11 think that's right.</p> <p>12 Q. Okay. What grade was your first assignment at</p> <p>13 Castle Park?</p> <p>14 A. Sixth.</p> <p>15 Q. And did you quickly become acquainted with the</p> <p>16 other sixth grade teachers?</p> <p>17 A. Of course.</p> <p>18 Q. And who were they?</p> <p>19 MS. ANGELL: Vague and ambiguous as to time.</p> <p>20 You mean the first year that she taught at Castle Park</p> <p>21 School?</p> <p>22 MS. LARKINS: I'm happy to accept her answer as</p> <p>23 it is.</p> <p>24 MS. ANGELL: I'm not when the question is vague</p> <p>25 and ambiguous as to time or as to a term in it. What's</p>	<p>1 months of arriving at Castle Park.</p> <p>2 THE WITNESS: Yeah. That's going to be tough,</p> <p>3 but --</p> <p>4 BY MS. LARKINS:</p> <p>5 Q. Maybe I can help you out. Was Gina Boyd there?</p> <p>6 A. No. No.</p> <p>7 MS. ANGELL: You only need to answer the</p> <p>8 question once.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MS. LARKINS: Okay. Well, Ms. Angell, I know</p> <p>11 that you like to know time frames. I think I can pretty</p> <p>12 well pin this down then. I believe that Gina Boyd left</p> <p>13 to take her job as CVE president in '95, so I think the</p> <p>14 year -- no --</p> <p>15 MS. ANGELL: Would you like to perhaps maybe ask</p> <p>16 this witness if she knows it, because I'm objecting to</p> <p>17 your testifying on the record.</p> <p>18 MS. LARKINS: Well, the witness has made clear</p> <p>19 that she doesn't remember.</p> <p>20 MS. ANGELL: Well, it's not for your to testify</p> <p>21 here. You don't put questions to yourself during a</p> <p>22 deposition.</p> <p>23 MS. LARKINS: Okay. I just thought you would</p> <p>24 like to know what year it was.</p> <p>25 MS. ANGELL: So move to strike the plaintiff's</p>

10 (Pages 34 to 37)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 38</p> <p>1 comments after the witness's response.</p> <p>2 MS. LARKINS: Okay.</p> <p>3 Q. How many years was Oscar Perez your principal at</p> <p>4 Castle Park?</p> <p>5 A. One or two.</p> <p>6 Q. You don't remember --</p> <p>7 A. No.</p> <p>8 Q. -- which?</p> <p>9 You know, I need a break, because I need to</p> <p>10 figure out how to ask questions when the memory is so</p> <p>11 bad. Are you willing to take a short break? I just to</p> <p>12 need to think a bit.</p> <p>13 MS. ANGELL: Fine with me.</p> <p>14 Michael?</p> <p>15 MR. HERSH: Yes.</p> <p>16 MS. ANGELL: Break?</p> <p>17 MR. HERSH: Sure.</p> <p>18 VIDEOGRAPHER: We are going off the record. The</p> <p>19 time is 11:00 o'clock a.m.</p> <p>20 (Recess taken.)</p> <p>21 VIDEOGRAPHER: We are going on the record. The</p> <p>22 time is 11:11 a.m.</p> <p>23 BY MS. LARKINS:</p> <p>24 Q. Okay. Ms. Coffey, can you tell me what you</p> <p>25 remember of your first year at Castle Park School as</p>	<p style="text-align: right;">Page 40</p> <p>1 answer and you tell the truth, but if you don't know, you</p> <p>2 just say that you don't remember. It's okay.</p> <p>3 THE WITNESS: All right. I don't remember.</p> <p>4 BY MS. LARKINS:</p> <p>5 Q. Okay. Did you ever meet a bilingual teacher</p> <p>6 named Heather Smith?</p> <p>7 A. I believe so, yeah. Yeah, I think. If it's the</p> <p>8 person I'm thinking of, yeah.</p> <p>9 Q. Okay. Is it your recollection that she was a</p> <p>10 kindergarten teacher?</p> <p>11 A. No. I don't remember. It was a primary grade.</p> <p>12 That's all I can tell you.</p> <p>13 Q. Is it true that primary grades and upper grades</p> <p>14 have different schedules and so the teachers tend not to</p> <p>15 see much of one another?</p> <p>16 A. Different break schedules, yes.</p> <p>17 Q. Okay. Was Heather Smith dismissed by the school</p> <p>18 board?</p> <p>19 A. I don't know.</p> <p>20 Q. Did you notice that Heather Smith quit teaching</p> <p>21 at Castle Park Elementary School?</p> <p>22 A. I don't know about quit, but I noticed that she</p> <p>23 wasn't there anymore.</p> <p>24 Q. Okay. Did you ever ask anybody why she wasn't</p> <p>25 there anymore?</p>
<p style="text-align: right;">Page 39</p> <p>1 regards to any salient events, any important events so we</p> <p>2 can try and figure out what year it was?</p> <p>3 MS. ANGELL: I renew my relevance objection.</p> <p>4 THE WITNESS: No.</p> <p>5 MS. ANGELL: Go ahead and answer.</p> <p>6 THE WITNESS: No. I can't -- there are no</p> <p>7 significant events. I mean -- it's a job; it was work,</p> <p>8 teaching every day.</p> <p>9 BY MS. LARKINS:</p> <p>10 Q. Was there a bilingual program at Castle Park</p> <p>11 when you got there?</p> <p>12 A. There were bilingual teachers; there were</p> <p>13 bilingual classrooms. So other than that, I can't say if</p> <p>14 it was a bilingual program.</p> <p>15 Q. We will call that a bilingual program.</p> <p>16 A. Well, I'm not saying it was a bilingual program.</p> <p>17 There were bilingual classrooms.</p> <p>18 Q. Who were the bilingual teachers when you</p> <p>19 arrived?</p> <p>20 A. I'm having a lot of trouble with something that</p> <p>21 happened ten years ago. I really am.</p> <p>22 MS. ANGELL: I'm going to instruct the witness</p> <p>23 that if she doesn't know the answer because she can't</p> <p>24 remember, she should just say -- if you don't know, say</p> <p>25 that you don't remember. If you know, you give the</p>	<p style="text-align: right;">Page 41</p> <p>1 A. No.</p> <p>2 Q. Okay. Did you notice when principal Oscar Perez</p> <p>3 stopped working at Castle Park Elementary School?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know why he stopped working at Castle</p> <p>6 Park?</p> <p>7 A. No.</p> <p>8 Q. Who was the next principal after Mr. Perez?</p> <p>9 A. It was Dr. Donndelinger. I think it was</p> <p>10 Dr. Donndelinger.</p> <p>11 Q. Did Dr. Donndelinger ever have a committee of</p> <p>12 teachers at the school involved in making plans for</p> <p>13 improving discipline at the school?</p> <p>14 A. I'm not sure if it was a separate committee or</p> <p>15 not.</p> <p>16 Q. Okay. Were you ever involved in a discipline</p> <p>17 committee at Castle Park Elementary School?</p> <p>18 A. I can't recall that it was called that.</p> <p>19 Q. Okay. Did you become involved in that when</p> <p>20 Mr. Perez was principal?</p> <p>21 MS. ANGELL: Objection. Assumes facts;</p> <p>22 argumentative. The witness testified that she was not on</p> <p>23 a committee that is characterized or called a discipline</p> <p>24 committee and you're asking her did you become involved</p> <p>25 in that committee before, so --</p>

11 (Pages 38 to 41)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 42	Page 44
<p>1 MS. LARKINS: I believe the witness testified 2 that she didn't know if it was called that. 3 MS. ANGELL: Right. And you're asking her were 4 you involved in that, meaning a discipline committee when 5 the prior principal was there. So that's argumentative 6 and it's assuming facts. It's not what she testified to. 7 Maybe I just misunderstand what your question 8 is. 9 BY MS. LARKINS: 10 Q. Were you involved in a committee whose purpose 11 was to discuss discipline of children when you were at 12 Castle Park Elementary School? 13 A. That -- discipline, behavior code was probably 14 part of the work of whatever the name of the committee 15 was. I know it wasn't a discipline committee, though. 16 Q. Okay. I'm trying to think of something we can 17 call this committee. 18 A. Climate committee. 19 Q. Okay. We'll call it that. 20 A. Sorry. I don't know if that's what it was 21 called either, but it was more to do with climate as a 22 whole. 23 Q. Okay. But now you and I know what we're talking 24 about when we talk about the climate committee. It's 25 this committee that you were on that discussed behavior,</p>	<p>1 Q. How did you come to be the person who spoke 2 about discipline at that time? 3 A. It was somewhat of a specialty of mine. 4 Q. Okay. Had you been working during the summer on 5 a -- some sort of plan for improving behavior of the 6 children of the school? 7 A. Yes. 8 Q. Had you been working by yourself or with someone 9 else? 10 A. Well, I can't remember that. I know I went to 11 some training, so that would be considered someone else, 12 I guess, but I can't remember. 13 Q. Okay. So this training that you went to, you 14 attended it before Gretchen Donndelinger came to Castle 15 Park; is that true? 16 A. I can't say. I really don't know as far as the 17 sequence of events. It's too long ago. 18 Q. Okay. How did this come to be an interest of 19 yours, a specialty of yours? 20 A. I don't know how to answer that, how it came to 21 be. 22 Q. Okay. Do you feel that discipline of students 23 is an important issue? 24 MS. ANGELL: Objection. Vague and ambiguous. 25 THE WITNESS: Yeah. I don't get it.</p>
Page 43	Page 45
<p>1 discipline, things like that and other things. 2 MS. ANGELL: Vague and ambiguous. I can't tell 3 from the question if you're talking about behavior of 4 certain students, because it sounds like you might be 5 trying to talk whether there was discipline problems with 6 individual students, or if the question is, you know -- 7 was the purpose of this committee to discuss behavior 8 issues as whole for the whole school, that kind of thing. 9 BY MS. LARKINS: 10 Q. Was the purpose of this committee to discuss 11 behavior issues for the whole school? 12 A. Okay. You're talking about a committee or team 13 under Gretchen Donndelinger. Because there has been a 14 number of changes as far as the name of that committee 15 and what it's called and what they do. So I'm having 16 trouble remembering exactly at that time what it was 17 about. 18 Q. Okay. Do you remember when Gretchen 19 Donndelinger came to Castle Park as principal? 20 A. Yeah. I remember her working there. I don't 21 know exactly what you mean. 22 Q. Do you recall giving a presentation about school 23 discipline at the first -- at one of the early staff 24 meetings when Gretchen Donndelinger first arrived? 25 A. I do.</p>	<p>1 BY MS. LARKINS: 2 Q. Did you feel that you were particularly well 3 equipped to deal with the issue of discipline as a result 4 of your training? 5 A. I don't understand. I'm having trouble. I'm 6 getting confused. 7 Q. Let me try to reword. 8 Was this training helpful to you? 9 MS. ANGELL: What training? Vague and 10 ambiguous. 11 MS. LARKINS: Okay. Let me reword. 12 Q. Was this training which you just mentioned that 13 you attended regarding discipline helpful to you? 14 A. But I didn't say discipline. 15 Q. Okay. Can you tell me what this training 16 consisted of that you just mentioned? 17 A. Peace building. 18 Q. Okay. 19 MS. ANGELL: Can we go off the record just for a 20 second. I want to ask you something. 21 VIDEOGRAPHER: We are going off the record. The 22 time is 11:22 a.m. 23 (Recess taken.) 24 VIDEOGRAPHER: We're going on the record: The 25 time is 11:24 a.m.</p>

12 (Pages 42 to 45)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 46</p> <p>1 BY MS. LARKINS:</p> <p>2 Q. Do you recall that when you spoke to the staff</p> <p>3 right about the time that Gretchen Donndelinger came to</p> <p>4 Castle Park you were announcing that some of the older</p> <p>5 children would be wearing jackets at recess which had</p> <p>6 some sort of name on it like "peace maker" or -- the word</p> <p>7 "peace," I believe, might have been on the jacket. And</p> <p>8 that these older children would be helping the younger</p> <p>9 children at recess resolve their conflicts?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. How successful was that program?</p> <p>12 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>13 BY MS. LARKINS:</p> <p>14 Q. Were you in charge of that program?</p> <p>15 A. Yes.</p> <p>16 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>17 What program are you talking about? We have been off the</p> <p>18 record, you know, so you don't understand how hard it's</p> <p>19 going to be to look at this deposition transcript later</p> <p>20 and refer to it for evidence.</p> <p>21 MS. LARKINS: Okay.</p> <p>22 Q. Do you have a name for this program which you</p> <p>23 described to the staff at this meeting shortly after</p> <p>24 Gretchen Donndelinger arrived?</p> <p>25 A. Peace patrol.</p>	<p style="text-align: right;">Page 48</p> <p>1 and issues related to your employment and this</p> <p>2 litigation?</p> <p>3 MS. LARKINS: Yes.</p> <p>4 MS. ANGELL: Okay. If you want to ask her</p> <p>5 questions related to your employment and this litigation,</p> <p>6 she'll answer, but this is not an opportunity for you to</p> <p>7 ask Mrs. Coffey about every decision that has occurred</p> <p>8 since 1997 up to the present. So if you want to ask her</p> <p>9 anything related to your allegations, anything related to</p> <p>10 you or things that you were involved with, she'll</p> <p>11 respond.</p> <p>12 MS. LARKINS: Okay. Are you being ironic when</p> <p>13 you say you don't want me to ask about every decision</p> <p>14 since 1997?</p> <p>15 MS. ANGELL: I don't understand your question.</p> <p>16 MS. LARKINS: Okay.</p> <p>17 Q. Was peace patrol discontinued at some time?</p> <p>18 MS. ANGELL: Objection. Can you ask her</p> <p>19 something that relates to the litigation? Because I just</p> <p>20 made an objection and asked you to tell me about -- make</p> <p>21 an offer of proof about how this issue of peace patrol,</p> <p>22 which I understand to be some sort of student thing where</p> <p>23 they have their names on the back of a shirt -- I'm</p> <p>24 assuming that's what you're talking about -- how that has</p> <p>25 to do with your employment. So can you tell me how that</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Peace patrol. Were you charge of peace patrol?</p> <p>2 A. Yes.</p> <p>3 Q. Did you enjoy doing peace patrol?</p> <p>4 A. Yes.</p> <p>5 Q. Did you feel it helped the children?</p> <p>6 A. I thought it was a positive program.</p> <p>7 Q. Okay. What were you trying to achieve with this</p> <p>8 program?</p> <p>9 MS. ANGELL: I'm going to renew my relevance</p> <p>10 objection.</p> <p>11 How does this relate to anything having to do</p> <p>12 with the allegations in your complaint?</p> <p>13 MS. LARKINS: Are you asking me?</p> <p>14 MS. ANGELL: Yeah, I am.</p> <p>15 MS. LARKINS: Okay. Ms. Coffey was an important</p> <p>16 and powerful figure at Castle Park. This committee,</p> <p>17 which, as Ms. Coffey has stated, went through different</p> <p>18 names and descriptions, missions over the years, became</p> <p>19 an extremely powerful committee at the school. And I</p> <p>20 want to find out what Ms. Coffey knows about the role of</p> <p>21 this committee and the individuals in charge of this</p> <p>22 committee on decisions that were made in 2001 and years</p> <p>23 before and after that regarding how the school would be</p> <p>24 run.</p> <p>25 MS. ANGELL: You mean concerning your employment</p>	<p style="text-align: right;">Page 49</p> <p>1 relates to your employment? And if so, then we will go</p> <p>2 on down the road of peace patrol. And if not, then I'll</p> <p>3 ask you to move on to a different topic.</p> <p>4 MS. LARKINS: Okay. Ms. Coffey exerted a great</p> <p>5 deal of power over Gretchen Donndelinger. This power was</p> <p>6 shared with Joe Ellen Hamilton. There were two cliques</p> <p>7 at the school which shared power basically and controlled</p> <p>8 more than one weak principal. And these two cliques were</p> <p>9 very much involved in my being taken out of my classroom.</p> <p>10 Gretchen Donndelinger was a somewhat gentle and timid</p> <p>11 person and would never have conceived of the idea of</p> <p>12 having me being taken out of my classroom if she hadn't</p> <p>13 been pressured by powerful teachers at the school.</p> <p>14 MS. ANGELL: Okay. So if you would like to ask</p> <p>15 this witness about her involvement, what she did, saw or</p> <p>16 knows concerning discussions with Gretchen Donndelinger</p> <p>17 concerning you, she'll respond to that. With regard to</p> <p>18 myriad other things that have nothing to do with you --</p> <p>19 you just talked about why you want to ask her questions</p> <p>20 about this clique stuff. If you want to ask her about</p> <p>21 the clique stuff, she'll answer you. But as far as the</p> <p>22 other tangential stuff that has nothing to with this</p> <p>23 litigation -- if we could just start with what relates</p> <p>24 and then if you establish that what is directly -- that</p> <p>25 there is something that is directly related to this</p>

13 (Pages 46 to 49)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 50	Page 52
<p>1 litigation, then that might open a door to some sort 2 of -- you know, something else that seems to be more 3 tangential.</p> <p>4 MS. LARKINS: Okay. Ms. Angell, as I have said 5 to you ad nauseam, my proof for my allegations of 6 criminal actions by teachers at Castle Park Elementary 7 and administrators at Chula Vista Elementary School 8 District is based on events at Castle Park Elementary 9 School and Chula Vista Elementary School District. I was 10 not present when Robin Donndelinger -- Robin 11 Donndelinger -- when Robin Donlan asked her brother to 12 obtain my arrest record.</p> <p>13 MS. ANGELL: Do you have any proof that 14 Mrs. Donlan asked her brother to obtain your arrest 15 records? Because it seems to me that you're attempting 16 to testify on the record again.</p> <p>17 MS. LARKINS: I have made this allegation --</p> <p>18 MS. ANGELL: I understand that you have made the 19 allegation.</p> <p>20 MS. LARKINS: -- under oath.</p> <p>21 MS. ANGELL: I'm asking if you have any proof of 22 it.</p> <p>23 MS. LARKINS: I am trying to get proof of it 24 right now from this witness.</p> <p>25 MS. ANGELL: Then why don't you ask the witness</p>	<p>1 committed by your clients rests on the complete lack of 2 any logical explanation for the events at Castle Park 3 Elementary School. No one has come up with any sort of 4 explanation for why they thought I was going to kill 5 people. In fact, your clients have said they didn't ever 6 hear anything about a gun; they -- Robin Donlan sat here 7 the other day and said that she didn't know what she was 8 afraid of; she's just -- anything could happen. The 9 school district has behaved shamefully in never 10 investigating this case, and you as their lawyers -- you 11 and your fellow lawyers in your law firm I believe told 12 the district not to keep a paper trail. They never made 13 any sort of written document regarding my being taken out 14 of my classroom on February 12th.</p> <p>15 MS. ANGELL: Let the record reflect that the 16 plaintiff, about three sentences ago, began staring at 17 the witness, and therefore is directing her comments 18 allegedly to counsel to the witness.</p> <p>19 Do you have a question for this witness?</p> <p>20 Because if you have no more questions, we will leave. If 21 you have a question for the witness, please present it.</p> <p>22 MS. LARKINS: I would like to put into evidence 23 a book which I would like labeled as Exhibit 2.</p> <p>24 Q. Mrs. Coffey, could you please state for the 25 record the title and subtitle of this book?</p>
Page 51	Page 53
<p>1 if she knows anything about your arrest records or police 2 or anything having to do with you. And if she does, then 3 you go on beyond that.</p> <p>4 BY MS. LARKINS:</p> <p>5 Q. Ms. Coffey, do you have -- do you know anything 6 having -- do you know of anything having to do with me?</p> <p>7 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>8 Do you mean does she know of anything having to do with 9 connecting your name with maybe a police report or an 10 arrest record, something like that? Is that what you 11 mean?</p> <p>12 MS. LARKINS: Ms. Angell, why don't you ask for 13 a protective order if you want to stop me from asking 14 questions of this witness.</p> <p>15 MS. ANGELL: The witness is here to answer all 16 questions that are reasonably calculated to lead to the 17 discovery of admissible evidence in this case, which 18 questions don't seek privileged material. If you'll ask 19 her something that has something to do with this 20 litigation that's not otherwise objectionable because 21 it's so vague and ambiguous that I as her your counsel 22 can't understand exactly what question you're asking her, 23 then please ask the question.</p> <p>24 MS. LARKINS: Ms. Angell, as I have told you 25 again and again, my proof of my allegations of crimes</p>	<p>1 A. "Mobbing, Emotional Abuse in the American 2 Workplace."</p> <p>3 Q. Okay. Could you please read the little blurb 4 above the title.</p> <p>5 A. "Until evil is named, it cannot be addressed. 6 This book names mobbing, a common and bloodless form of 7 workplace mayhem and proceeds with brilliance to show its 8 roots and possible cures."</p> <p>9 Q. Okay. And just could you give the name of the 10 person who made that statement?</p> <p>11 A. Daniel McGuire, professor of ethics, Marquette 12 University.</p> <p>13 Q. Okay. Thank you.</p> <p>14 Could you read the little blurb just below the 15 subtitle.</p> <p>16 MS. ANGELL: I'm going to object. This document 17 speaks for itself. If you have brought this witness here 18 to read from the cover and excerpts from this book, that 19 is unnecessary and it's harassing to this witness, and 20 it's a waste and abuse of the discovery process.</p> <p>21 If you want to move this book -- if you believe 22 that this book is evidence of something and you have an 23 expert to testify on it or somebody who has knowledge of 24 this book to testify on it, that's one thing, but asking 25 a witness to come here and read from some document that</p>

14 (Pages 50 to 53)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 54

1 we don't even know if she's ever seen before, that is
2 harassing and it's a waste of time.
3 MS. LARKINS: That is an excellent question.
4 Q. Have you ever seen this book before?
5 A. No.
6 Q. Did Gretchen Donndelinger ever tell you that
7 Maura Larkins had given her a book?
8 A. No.
9 Q. Did Gretchen Donndelinger ever discuss with you
10 the concept of mobbing?
11 A. Never.
12 Q. Did she -- did Gretchen Donndelinger ever
13 discuss with you conflicts between teachers at Castle
14 Park Elementary School?
15 MS. ANGELL: Objection. Vague and ambiguous.
16 Only answer it if you understand the question.
17 THE WITNESS: Can you ask it again to make sure
18 I heard it right.
19 BY MS. LARKINS:
20 Q. Let me -- let me restate it. Did you
21 frequently -- about how often did you go in and talk to
22 Gretchen Donndelinger after a school day was over?
23 MS. ANGELL: Objection. Vague and ambiguous as
24 to time.
25 Do you mean the entire time that

Page 55

1 Dr. Donndelinger was principal that Mrs. Coffey also
2 worked at the same school?
3 MS. LARKINS: Yes.
4 MS. ANGELL: On that basis, you can answer.
5 THE WITNESS: Yeah. I don't know how to say how
6 often.
7 BY MS. LARKINS:
8 Q. Once a week?
9 A. Just sometimes.
10 Q. Twice a week?
11 MS. ANGELL: The witness has answered.
12 THE WITNESS: I couldn't count.
13 BY MS. LARKINS:
14 Q. Was it more than once a year?
15 A. Yes.
16 Q. Was it more than once a month?
17 A. Yes.
18 Q. Was it more than twice a month?
19 A. Did you say specifically after school hours?
20 Q. Yes.
21 A. I couldn't say. I never kept tallies of what
22 time it was or how many times.
23 Q. Okay.
24 A. It was much more casual than that.
25 Q. Let's change the time to be before school or

Page 56

1 during breaks or lunchtime or after school. Did you go
2 and talk to her at those times more than once a month?
3 MS. ANGELL: During the same time frame while
4 they were both employed at the same school,
5 Dr. Donndelinger and Ms. Coffey?
6 THE WITNESS: Probably.
7 BY MS. LARKINS:
8 Q. Was it do you think as much as once a week?
9 A. I didn't count. I can't say. I don't know.
10 Q. Let me get back to this -- I'd like to enter as
11 Exhibit 3 -- these two pages are -- have one in English
12 and one in Spanish, and they were originally two sides of
13 a two-sided document.
14 MS. ANGELL: Do you have a copy of this for me?
15 THE WITNESS: That's yours, isn't it?
16 MS. ANGELL: That's the witness copy. Do you
17 have a copy of this for me?
18 MS. LARKINS: Oh, let's see. I probably do.
19 THE WITNESS: I don't need to keep this.
20 MS. ANGELL: And you want both of these pages to
21 be marked as Exhibit 3?
22 MS. LARKINS: Yes. I'm sorry I don't have a
23 stapler today.
24 MS. ANGELL: So Exhibit 3, Page 1 is the English
25 language?

Page 57

1 MS. LARKINS: Yes, we will call it that.
2 MS. ANGELL: And Page 2 is the Spanish language
3 page.
4 MS. LARKINS: Fine with me to call it that.
5 (Exhibit 3 marked for identification.)
6 BY MS. LARKINS:
7 Q. Ms. Coffey, have you ever seen this document
8 before?
9 A. Yes.
10 Q. Can you tell me when you first saw this
11 document?
12 A. This summer.
13 Q. And can you tell me what was the occasion?
14 A. Should he know what we are looking at?
15 MS. ANGELL: Counsel, do you have any questions
16 about what the exhibits are?
17 MR. HERSH: Not this one. Thank you.
18 MS. ANGELL: And I'm going to renew my objection
19 that events that occurred in summer and fall of 2004 and
20 forward when plaintiff has not been an employee of the
21 school district for a long time before that are not
22 reasonably calculated to lead to the discovery of
23 admissible evidence. And I'm going to give you a little
24 bit of latitude concerning this exhibit to see if you
25 make an offer of proof or somehow show that it's

15 (Pages 54 to 57)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 58</p> <p>1 connected. Because if it is connected, we want to give 2 you the opportunity to explore that issue. 3 MS. LARKINS: Ms. Angell, I think some of the 4 best proof of the guilt of your clients has happened 5 since I left Castle Park. The obviousness that you're 6 covering up crimes is remarkable. 7 MS. ANGELL: All right. Well, let's get to some 8 of that evidence then. You have a piece of evidence, a 9 factual question to ask this person about regarding what 10 she knows? And I don't know what you're talking about, 11 but if you're talking about crimes, I assume you're 12 talking about Labor Code 437.2 which you have alleged 13 that Ms. Donlan, Ms. Watson and unnamed persons possessed 14 and basically passed around information from your arrest 15 records. If you have any questions for this witness 16 concerning those allegations related to Labor Code 437.2 17 and/or your arrest records, police records, that kind of 18 thing, please, by all means, ask them. 19 However, this witness's attendance at a public 20 function or for political reasons or whatever in 2004 21 after you haven't been an employee of the district in 22 excess of a year or more before that is not reasonably 23 calculated to lead to the discovery of admissible 24 evidence in this case, and this is not a free for all; 25 you don't get to pry into this person's employment,</p>	<p style="text-align: right;">Page 60</p> <p>1 it can be a running objection. 2 MS. ANGELL: What does Exhibit 3 have to do with 3 the allegations in your sixth amended complaint or the 4 unfair practice complaint? 5 MS. LARKINS: It is part of your clients' 6 desperate to cover up wrong doing. 7 MS. ANGELL: Who is that? 8 MS. LARKINS: Robin Donlan. Oh, Linda Watson 9 was involved in this, too. 10 MS. ANGELL: Okay. So this has something to do 11 with an arrest record; is that correct? This document 12 Exhibit 3? 13 MS. LARKINS: Yes. 14 MS. ANGELL: So if you can ask the witness 15 anything about how this piece of paper relates to the 16 allegations in your complaint, she'll answer. 17 MS. LARKINS: Could I maybe -- could you make 18 this very, very long objection maybe only like once every 19 10 minutes? 20 MS. ANGELL: If you could ask a relevant 21 question or a question that's not vague and ambiguous, I 22 wouldn't have to make the objection. 23 MS. LARKINS: The whole point of having a 24 stipulation is that you can later go to the judge and 25 say, "Judge, these questions are irrelevant; will you</p>
<p style="text-align: right;">Page 59</p> <p>1 current employment and her political activities and 2 anything like that. It's harassing. 3 MS. LARKINS: Your client has recently been 4 closely related to two of the defendants in this case, 5 Gina Boyd and Robin Donlan, who I believe it is obvious 6 are desperately trying to cover up their crimes. 7 MS. ANGELL: Well, why don't you ask this 8 witness some sort of question relating to your 9 allegations about these "crimes," in quotes, that you 10 keep talking about. 11 MS. LARKINS: Well, it makes it difficult when 12 you keep going over and over again this objection which I 13 have already stipulated is a running objection. 14 MS. ANGELL: The fact that there is a 15 stipulation that all of your questions are irrelevant -- 16 because nearly all of them are -- does not mean that you 17 get to ran havoc over this witness. And I'm not going to 18 allow it. So if you can please ask her something that 19 has something to do with this case, she'll give you a 20 response. 21 MS. LARKINS: My point is, Ms. Angell, you ask 22 me why don't I ask her questions. Well, one of the 23 reasons that I'm unable to ask her questions is because 24 you keep repeating this very long objection over and over 25 again despite the fact that I've already stipulated that</p>	<p style="text-align: right;">Page 61</p> <p>1 throw them out." And the judge can say, "Well, I see you 2 had a running objection, so, yes, I can throw them all 3 out." 4 MS. ANGELL: Yes, that's true in talking about 5 the relevance objection. However, I'm not going to sit 6 here and let you abuse and harass this witness, ask her 7 about things that have absolutely nothing to do with this 8 case and keep her here for hours upon end. It's not 9 going to happen. 10 MS. LARKINS: That's fine. 11 MS. ANGELL: You do not get to harass this 12 witness. 13 MS. LARKINS: You can end this deposition -- and 14 by can, I mean you are physically able to. 15 By the way, when I'm deposed by you -- I think 16 it's next week -- 17 MS. ANGELL: Do you have any questions for this 18 witness? Because if you don't, we'll go. 19 MS. LARKINS: Will you agree not to ask me any 20 questions that you have objected to? 21 MS. ANGELL: Mrs. Larkins, if you have no more 22 questions for this witness, we are going to leave. Do 23 you have any questions for her related to this 24 litigation? 25 MS. LARKINS: I have many, many questions. As I</p>

16 (Pages 58 to 61)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 62

1 told you, I plan to take about four hours.
2 MS. ANGELL: Okay. Well, let's get on with it
3 and get something on the record that has to do with this
4 deposition -- with this litigation.
5 MS. LARKINS: I'm afraid it will probably be
6 more like five hours now, though, since you have spent so
7 much time making these constant objections. If we could
8 just allow these objections to run --
9 MS. ANGELL: No.
10 MS. LARKINS: -- instead of continually
11 repeating them, we could end this deposition much sooner.
12 MS. ANGELL: When your questions are vague and
13 ambiguous, the witness will not respond. When your
14 questions seek to invade this witness's privacy or to
15 harass her, she will not respond regardless of this fact
16 that there is a standing objection based on relevance.
17 So you ask your question, I'll object. If I instruct her
18 not to answer, move on to your next question.
19 MS. LARKINS: It would be much quicker if you
20 would simply instruct your client not to answer the
21 question if you don't want her to answer these questions.
22 That takes so much less time.
23 MS. ANGELL: Okay. We are going to sit here for
24 about one more minute of your colloquy, and if you don't
25 have a question for the witness, then I'm going to assume

Page 63

1 that the deposition is over and we are going to leave.
2 So if you have a question, please pose it. We've been
3 listening to your colloquy for almost ten minutes.
4 MS. LARKINS: Is colloquy like a monologue when
5 only one person is talking?
6 MS. ANGELL: Do you have a question for this
7 witness?
8 MS. LARKINS: Because I believe you have been
9 doing quite a bit of the talking.
10 MS. ANGELL: Do you have a question for this
11 witness concerning this litigation?
12 MS. LARKINS: So I would say this colloquy is
13 your colloquy as much as it is mine.
14 MS. ANGELL: I assume that the lack of response
15 means that you have no questions for this witness, and
16 because you have no questions for this witness, we are
17 leaving. If you have a question for this witness
18 concerning this litigation, please pose it. If you don't
19 have a question, we are going.
20 MS. LARKINS: I have many questions for this
21 witness.
22 MS. ANGELL: Then please pose it.
23 BY MS. LARKINS:
24 Q. Were you and I both members of the peace
25 committee at Castle Park Elementary School when Gretchen

Page 64

1 Donndelinger was principal and the Comer program was
2 being followed?
3 A. I don't remember.
4 MS. ANGELL: Let the record reflect that
5 plaintiff is staring and smiling at the witness with
6 hands folded in an apparent expression of disbelief of
7 the witness's response. I don't know what she's trying
8 to communicate, but she's trying to communicate
9 something.
10 BY MS. LARKINS:
11 Q. Do you recall there was a program called the
12 Comer program?
13 A. I do.
14 Q. What do you recall about that program?
15 A. Just that some people went to training at -- I
16 can't remember what university, but where it had
17 originated, back East somewhere -- and that we never
18 fully adopted it at the school.
19 Q. So are you saying that it was partially adopted
20 at the school?
21 A. No, I'm not saying that. I'm just saying that
22 you asked me what I remember about it, and that's all I
23 remember about it.
24 Q. Okay. Can you help me understand what you mean
25 by never fully adopted it?

Page 65

1 A. We did not adopt the name of Comer School.
2 Q. Okay. Did Castle Park change its legally
3 mandated governing board from having the name site
4 council to having the name staff/parent management team?
5 MS. ANGELL: Objection. Vague and ambiguous as
6 to time; calls for a legal conclusion. And in that
7 regard, concerning legal conclusion, I'm going to
8 instruct the witness not to answer unless she's a
9 qualified legal expert.
10 MS. LARKINS: Ms. Angell, you objected before I
11 was finished with my question. Could you just please
12 pause a little longer before your objection so I can --
13 MS. ANGELL: Sure. I thought you were done.
14 MS. LARKINS: Thank you.
15 MS. ANGELL: Do you want the question read back?
16 MS. LARKINS: No, I don't.
17 MS. ANGELL: You're going to start over then?
18 Because I can't remember what the question was.
19 THE WITNESS: I remember it. I remember it.
20 MS. LARKINS: Okay.
21 THE WITNESS: But you asked me not to answer.
22 MS. ANGELL: You said you weren't done.
23 BY MS. LARKINS:
24 Q. Okay. During the time Gretchen Donndelinger was
25 principal at Castle Park Elementary School.

17 (Pages 62 to 65)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 66</p> <p>1 MS. ANGELL: Can I have the question back, 2 because I don't remember it. 3 MS. LARKINS: I'll restate the question. 4 Q. To your knowledge, do elementary schools usually 5 have a council that is -- that governs the school. 6 MS. ANGELL: Vague and ambiguous as to 7 "council," as to "governing the school." 8 MS. LARKINS: I'll restate. 9 Q. Did Castle Park at any time, to your knowledge, 10 have a committee that was called a site council? 11 A. School site council, yes. 12 Q. Okay. Does it currently have a school site 13 council? 14 A. Yes. 15 Q. Okay. When you first arrived at Castle Park 16 Elementary, did it have a school site council? 17 A. I can't tell you. I don't know. 18 Q. Okay. When Gretchen Donndelinger was principal 19 of Castle Park Elementary, was there a school site 20 council? 21 A. I don't remember. I don't want to say I assume 22 so because I don't know. 23 Q. Okay. When Gretchen Donndelinger was principal 24 of Castle Park Elementary, was there a committee called 25 staff/parent management team?</p>	<p style="text-align: right;">Page 68</p> <p>1 school improvement plan? 2 A. I can remember writing on the butcher paper, but 3 I don't remember what for. 4 Q. Okay. Was there a committee formed as a result 5 of the Comer process called the peace committee? 6 MS. ANGELL: I'm going to renew my objection on 7 relevance of this discussion of Comer and school 8 improvement plan. I don't see how it has any relation to 9 any element of any cause of action in the sixth amended 10 complaint or in the unfair labor practice, the two 11 intentional infliction of emotional distress causes of 12 action that remain. And I would like to provide an 13 opportunity for plaintiff to make an offer of proof as to 14 how this discussion of a Comer process or school 15 improvement plan has anything to do with allegations that 16 Robin Donlan and her brother got a copy plaintiff's 17 arrest records and spread it around to other people or 18 that the district intentionally inflicted emotional 19 distress on plaintiff with relation to a grand jury 20 subpoena. If you can make an offer of proof on that, 21 this witness will answer anything she knows. And if you 22 can't make an offer of proof, that makes it even more 23 clear that this is just designed to harass this witness 24 as a district employee. 25 MS. LARKINS: Robin Donlan, Linda Watson, Joe</p>
<p style="text-align: right;">Page 67</p> <p>1 A. I don't know if that's when she was there, but 2 there has been an SPMT. 3 MS. ANGELL: I'm going to ask the witness to 4 answer the question that is posed. 5 THE WITNESS: Okay. 6 MS. LARKINS: Okay. 7 Q. Was the naming of this staff/parent management 8 team influenced by the Comer program? 9 A. I don't know. 10 Q. Were committees formed at Castle Park Elementary 11 School as part of the Comer program? 12 A. I believe so. 13 Q. Was the Comer process discussed in the school 14 improvement plan of Castle Park Elementary school when 15 Gretchen Donndelinger was principal? 16 A. I don't know. 17 Q. Did the entire staff work on creating the school 18 improvement plan each year when Gretchen Donndelinger was 19 principal? 20 MS. ANGELL: If you know. 21 THE WITNESS: I'm sorry. I don't remember. 22 BY MS. LARKINS: 23 Q. Do you remember ever going to a staff meeting 24 where staff members wrote down on large pieces of butcher 25 paper their suggestions for what should be put into the</p>	<p style="text-align: right;">Page 69</p> <p>1 Ellen Hamilton, Richard Werlin -- let me strike Richard 2 Werlin -- could not have destroyed my career if it 3 weren't for the Comer program. This program rearranged 4 the power structure of the school in such a way that 5 Ms. Coffey and others acquired enormous power for their 6 personal agenda. 7 MS. ANGELL: So the Comer process had something 8 to do with how information is passed around or something? 9 MS. LARKINS: It had something do with how 10 decisions were made. 11 MS. ANGELL: Okay. So if you have any questions 12 for this witness about whether any decisions were made, 13 to her knowledge, whether she was involved with any 14 decisions related to this Comer thing, related to your 15 record of arrest or the allegations contained in the 16 complaint, she will answer them. 17 MS. LARKINS: Thank you. 18 Q. Okay. Do you recall a program called Kingdoms? 19 A. Yes. 20 Q. At Castle Park? 21 A. Yes. 22 Q. What was your involvement in the Kingdoms 23 program? 24 MS. ANGELL: Objection. Assumes facts not in 25 evidence; vague and ambiguous.</p>

18 (Pages 66 to 69)

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Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 70</p> <p>1 MS. LARKINS: I assume no facts. She might 2 answer I had no involvement. 3 MS. ANGELL: Well, then you should ask her, 4 Mrs. Coffey, were you involved with the Kingdoms program. 5 By saying what was your involvement, you're assuming that 6 she was involved, and she apparently doesn't understand 7 the question. 8 MS. LARKINS: Well, I will be happy -- 9 MS. ANGELL: It's vague and ambiguous. 10 MS. LARKINS: I will be happy to restate it. 11 Q. Were you involved in the Kingdoms program? 12 A. Yes. 13 Q. What was the Kingdoms program? 14 MS. ANGELL: Vague and ambiguous as to time. 15 Is there a particular time frame that you are 16 referring to? I don't know how long this program -- 17 we're not going to know from the transcript how long the 18 program was going. 19 BY MS. LARKINS: 20 Q. How long was the Kingdoms program used at Castle 21 Park? 22 A. Somewhere between two and three years. 23 Q. Okay. Were you a supporter of the Kingdoms 24 program? 25 A. Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Okay. And what was the purpose of this meeting? 2 A. As you said, to sort all of the students into 3 their Kingdom. 4 Q. Was every child in the school placed into a 5 Kingdom? 6 A. To the best of our ability. 7 Q. Okay. 8 MS. ANGELL: I'm sorry. Was that a yes or no? 9 THE WITNESS: That was a -- yes, it's my 10 understanding that every child was. 11 MS. LARKINS: Okay. 12 Q. Does it sound correct to you to say that this 13 was at the beginning of the 1999-2000 school year? 14 A. I can't say. I don't know. 15 Q. Okay. And then did there come a time when these 16 children were told what Kingdom they would be in and sent 17 to that Kingdom? 18 MS. ANGELL: Objection. Vague and ambiguous. I 19 don't understand the question. 20 MS. LARKINS: Let me rephrase. 21 Q. Did the children start going to different 22 classrooms for Kingdoms? 23 A. Yes. 24 Q. Okay. 25 MS. ANGELL: For clarity in the record, does</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Was there a conflict between teachers about the 2 Kingdoms program? 3 MS. ANGELL: It's vague and ambiguous as to 4 "conflict." 5 THE WITNESS: Be more specific. 6 BY MS. LARKINS: 7 Q. Do you recall sitting at a table in your 8 classroom with hundreds of index cards, each which had 9 the name of a student on it, and you and others were 10 dividing these index cards into groups so they could be 11 in different Kingdoms families? 12 A. I do remember that. 13 Q. Okay. Do you recall who was with you at that 14 meeting? 15 A. I know that you were there. And I think 16 Mr. Ramirez -- I think Mr. Ramirez. Mrs. Bartkiewitz was 17 there, and there may have been others, but I can't recall 18 exactly. It's a long time ago. 19 Q. Do you think Kevin Richardson was there? 20 A. I can't recall. 21 Q. Do you think Jerry Acevedo was there? 22 A. I can't recall. 23 Q. And was this group of people that was there the 24 members of the peace committee? 25 A. I couldn't say every single one was or not.</p>	<p style="text-align: right;">Page 73</p> <p>1 this -- are we talking about students being pulled out 2 for short periods during certain days or something for 3 some sort of activity related to a program called 4 Kingdoms; is that what you're discussing? 5 BY MS. LARKINS: 6 Q. Was this a program where a few children were 7 pulled out of their classrooms? 8 A. No. 9 Q. Can you tell us how this was structured? 10 MS. ANGELL: You mean how the program worked? 11 BY MS. LARKINS: 12 Q. How did the program work? 13 A. Well, it was a school-wide program, and it 14 divvied up the kids, every child in the school, to a 15 staff member, and they were across grade levels. And if 16 I recall, we tried to have a mix of boys and girls and 17 every grade level in each Kingdom. 18 Q. Okay. And were you the chairman of the peace 19 committee? 20 A. I don't remember. 21 Q. Okay. Was Jerry Acevedo on the peace committee? 22 A. I don't remember. 23 Q. Okay. When Maura Larkins, me, signed up for the 24 peace committee, were you happy at first about that? 25 A. I didn't feel one way or the other. I don't</p>

19 (Pages 70 to 73)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 74	Page 76
<p>1 remember how I felt, I should say. I don't remember 2 feeling anything about it. 3 Q. Do you remember saying to me that you were happy 4 that I had signed up for it? 5 A. I don't remember saying that. It doesn't mean 6 that I didn't say it, but I don't remember saying it. 7 Q. Did the Kingdoms program -- how often were 8 children involved in the Kingdoms program? 9 A. At first -- I can't remember. I can't remember 10 if it was once a week or once every two weeks. I can't 11 remember. I really can't. And it changed. 12 Q. Why did it change? 13 A. I don't know how to answer that either. I don't 14 know why it changed. 15 Q. Was this something arbitrarily decided by the 16 peace committee? 17 MS. ANGELL: Objection. Argumentative. 18 You can answer if you know. 19 THE WITNESS: No, no, it wasn't arbitrarily 20 decided by the peace committee. 21 BY MS. LARKINS: 22 Q. Was it decided by the principal? 23 A. No. 24 Q. Who decided? 25 A. That was in the days of site-based management,</p>	<p>1 to time. 2 BY MS. LARKINS: 3 Q. When Dr. Donndelinger was principal. 4 A. No, I don't remember working with Joe Ellen on 5 anything like that. 6 Q. Do you remember working with Gretchen 7 Donndelinger during one summer to write a document to be 8 sent to all the student homes? 9 A. No, I don't. 10 Q. Do you remember Joe Ellen Hamilton being angry 11 that you and Gretchen Donndelinger had produced this 12 document without her involvement? 13 A. No, I -- 14 MS. ANGELL: Objection. She just testified that 15 she doesn't remember doing such a document. 16 BY MS. LARKINS: 17 Q. Okay. Do you remember that Joe Ellen Hamilton 18 at first refused to support the Kingdoms program? 19 A. No, I don't remember that. 20 Q. Okay. At that first assembly, how did all of 21 the children find their Kingdom? 22 A. I believe it was by color, color coded. 23 Q. Okay. Was every child given a name tag of a 24 certain color with his name and the name of the teacher 25 he was to go to?</p>
Page 75	Page 77
<p>1 and I believe it was a staff decision every time it 2 changed. 3 Q. Okay. Each time there was a Kingdoms event, did 4 it start with an assembly outside in the school yard? 5 A. It did. Unless it was raining, I think. 6 Q. And did you sometimes lead the assembly? 7 A. I did. 8 Q. Did Joe Ellen Hamilton sometimes lead the 9 assembly? 10 A. She did. 11 Q. Okay. And after the assembly, what would 12 happen? 13 A. That's when they would go to their individual 14 Kingdom. 15 Q. Okay. Do you have any memories of the very 16 first Kingdoms assembly? 17 A. No. 18 Q. Do you remember being very happy that Joe Ellen 19 Hamilton came with a crown on her head and supported the 20 Kingdoms program? 21 A. I don't remember how I felt. 22 Q. Do you remember you and Joe Ellen Hamilton 23 having worked together on a discipline document for the 24 Castle Park School? 25 MS. ANGELL: Objection. Vague and ambiguous as</p>	<p>1 A. I don't remember exactly what was on it, but I 2 know it was color coded. That's all I can remember. 3 Q. Do you recall who made all of those name tags? 4 A. No, I don't. 5 Q. Would it jog your memory if I suggested that it 6 was Kevin Richardson and me? 7 A. No, it wouldn't. 8 Q. Okay. Do you recall that you wanted to read the 9 names of all the students out loud at the first assembly 10 and tell them what teacher they were supposed to go to? 11 A. No, I don't remember that. 12 Q. Okay. I want to get back to Exhibit 3 for a 13 second so that we can set it aside, because I wasn't 14 finished with it. 15 Could you read the title of this document? 16 A. "Attention Castle Park Parents and Community." 17 Q. I'm going down seven lines here to the seventh 18 line. In the middle of the seventh line a new sentence 19 starts with the words "no reason." Could you read that 20 sentence. 21 MS. ANGELL: Do you mean to herself? 22 MS. LARKINS: Out loud, please. 23 MS. ANGELL: The document speaks for itself. 24 This witness is not here to read documents and book 25 titles to you for purposes of getting it on the record.</p>

20 (Pages 74 to 77)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 78</p> <p>1 The document speaks for itself. If you would like her to 2 read it to yourself to refresh her recollection, that's 3 one thing. Having this witness here to continually read 4 things for you is harassing and abuse of the discovery 5 process. 6 BY MS. LARKINS: 7 Q. Okay. Why don't you read that sentence by 8 yourself. 9 Do you support that statement? 10 MS. ANGELL: Objection. Relevance. 11 You're back to the same issue of asking this 12 person what her opinions are concerning transfers of 13 teachers a number of years after you left employment with 14 this district, and this witness is not here to talk about 15 that. She's here to give testimony on anything that is 16 reasonably calculated to lead to the discovery of 17 admissible evidence concerning your allegations that 18 Robin Donlan and other people had access and passed 19 around information from your arrest records. 20 MS. LARKINS: It would be so much faster if your 21 would just instruct your client not to answer the 22 question if that is your goal. 23 MS. ANGELL: If you would like to make an offer 24 of proof as to how this flier is relevant to information 25 concerning your arrest records, then I won't ask -- tell</p>	<p style="text-align: right;">Page 80</p> <p>1 it then became apparent that any problems I had at Castle 2 Park School were not simply my problems, but that there 3 was indeed a problem with other teachers at the school; 4 in fact, the very teachers who worked to destroy my 5 career. 6 The fact that this witness tried to help these 7 other teachers who caused problems for me and for several 8 other employees of Castle Park Elementary School is 9 evidence of awareness of guilt. If Robin Donlan and Gina 10 Boyd and other defendants weren't so desperate to avoid 11 responsibility for the wrong-doing alleged in my 12 complaint, they would have just calmly accepted these 13 transfers. It's not like they lost their jobs; they were 14 just transferred to another school, no loss in pay; they 15 were told weeks before that they were going to be 16 transferred. These same people thought it was perfectly 17 fine for me to be taken out of my classroom in the middle 18 of the year. 19 MS. ANGELL: What same people? 20 MS. LARKINS: Robin Donlan, Nicki Perez. None 21 of these people, including this witness, objected to my 22 being taken out of my classroom in the middle of the 23 year. 24 MS. ANGELL: This witness didn't say that she -- 25 actually, her testimony was that she had no opinion. I</p>
<p style="text-align: right;">Page 79</p> <p>1 the witness not to respond. This is your opportunity to 2 make that offer of proof. 3 MS. LARKINS: Your have said those same words 4 several times today. 5 MS. ANGELL: Uh-huh. 6 MS. LARKINS: Do you want me to stay it again? 7 Okay. I'll say it again. 8 MS. ANGELL: If you have something different to 9 say from what you said before, please, by all means, say 10 it. If there is something that makes this document 11 relevant to your arrest records and people having 12 knowledge or information about your arrest records or the 13 intentional infliction of emotional distress causes of 14 action that are named in your unfair practice complaint, 15 then have at it. 16 MS. LARKINS: Okay. Ms. Angell, as you know 17 from Robin Donlan's deposition, Robin Donlan admitted to 18 having written this document. Robin Donlan is the very 19 person who is accused by me of having obtained my arrest 20 records and having used them to destroy my career. 21 MS. ANGELL: I understand that that's your 22 allegation. So what does this document have to do with 23 that? 24 MS. LARKINS: Robin Donlan started looking more 25 guilty when she got transferred out of the school because</p>	<p style="text-align: right;">Page 81</p> <p>1 don't believe that you have testimony from any other 2 person. So to the extent that you're again attempting to 3 give testimony here, I'm going to make sure that there is 4 an objection on the record. But you're giving your offer 5 of proof, and so far, I'm sorry, but I just don't follow 6 how this piece of paper is in any way related to the 7 allegations concerning arrest records or intentional 8 infliction of emotional distress on you. But you got to 9 something right there at the end where you think that -- 10 something about this person -- this witness supporting 11 somebody who had something to do with you. So if you 12 want to ask that question of this witness, you know -- 13 are we -- do you understand what I'm talking to, or do I 14 need to go back and look at what she is typing? 15 MS. LARKINS: You need to listen more carefully 16 to what I'm saying. What I said was that this witness 17 made no objection when I was taken out. 18 MS. ANGELL: Well, you previously said that all 19 of these people thought that it was fine for you to be 20 transferred, and you were also attributing that to this 21 witness. I mean it's your dollar here on the deposition 22 transcript. We can sit here and argue about this stuff 23 forever. I don't care. 24 MS. LARKINS: Okay. Let me ask that. 25 Q. Ms. Coffey, did you think it was not fine for me</p>

21 (Pages 78 to 81)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 82</p> <p>1 to be taken out of my classroom?</p> <p>2 MS. ANGELL: Objection. Asked and answered.</p> <p>3 She already said she had no opinion.</p> <p>4 Do not answer again. And make sure that you</p> <p>5 give audible responses, please. Yes, no, instead of</p> <p>6 shaking your head.</p> <p>7 THE WITNESS: Well, I wasn't answering. I was</p> <p>8 just listening to what you were saying and nodding my</p> <p>9 head, remembering.</p> <p>10 MS. LARKINS: Okay.</p> <p>11 THE WITNESS: Excuse me. I'm going to need to</p> <p>12 use the restroom.</p> <p>13 MS. ANGELL: So do I. Do you have a topic you</p> <p>14 want to finish up on or should we break now?</p> <p>15 MS. LARKINS: Well, I have a question pending.</p> <p>16 MS. ANGELL: Okay. What's the question?</p> <p>17 MS. LARKINS: The question was if she supported</p> <p>18 this statement.</p> <p>19 MS. ANGELL: And I told you that's not relevant,</p> <p>20 and unless you make an offer of proof showing why it's</p> <p>21 relevant to the allegations in your complaint, she's not</p> <p>22 answering.</p> <p>23 MS. LARKINS: Okay. So I have made an offer of</p> <p>24 proof. Can she answer it now?</p> <p>25 MS. ANGELL: No. You haven't shown how this is</p>	<p style="text-align: right;">Page 84</p> <p>1 back the mobbing book because I decided to withdraw it as</p> <p>2 a --</p> <p>3 (Brief interruption.)</p> <p>4 MS. ANGELL: We lost counsel.</p> <p>5 Let's go off while we get counsel back.</p> <p>6 VIDEOGRAPHER: We're going off the record. The</p> <p>7 time is 12:28 p.m.</p> <p>8 (Recess taken.)</p> <p>9 VIDEOGRAPHER: We are going on the record. The</p> <p>10 time is 12:29 p.m.</p> <p>11 MS. ANGELL: Thanks. Before we continue with</p> <p>12 the questioning, I'd like to reflect -- let the record</p> <p>13 reflect that Mrs. Larkins has stated that she wishes to</p> <p>14 withdraw her Exhibit 2 and strike all questions related</p> <p>15 to Exhibit 2.</p> <p>16 Is that an accurate reflection of what occurred</p> <p>17 during the off-record time?</p> <p>18 MS. LARKINS: Yes. That is correct.</p> <p>19 MS. ANGELL: And I also would like to request</p> <p>20 that Mrs. Larkins refrain from going through documents</p> <p>21 that I've been working with, documents that are in my</p> <p>22 stack of things over here. Attorney impressions,</p> <p>23 etcetera, are confidential and not for your perusal. So</p> <p>24 I would appreciate it if you would refrain from going</p> <p>25 through my things when I'm not in the room.</p>
<p style="text-align: right;">Page 83</p> <p>1 in any way relevant to your allegations that people had</p> <p>2 information from your arrest records, and she's not</p> <p>3 answering.</p> <p>4 MS. LARKINS: Okay. Let's take a break.</p> <p>5 VIDEOGRAPHER: We're going off the record. The</p> <p>6 time is 12:17 p.m.</p> <p>7 (Recess taken.)</p> <p>8 VIDEOGRAPHER: Today is Monday, November 8th,</p> <p>9 2004. The time is now 12:26 p.m. We are beginning Tape</p> <p>10 2, Disk 2 of the deposition of Teresa Coffey. We're</p> <p>11 going on the record.</p> <p>12 BY MS. LARKINS:</p> <p>13 Q. Ms. Coffey, how many teachers that you were</p> <p>14 acquainted with personally have been dismissed by Chula</p> <p>15 Vista Elementary School District?</p> <p>16 MS. ANGELL: Vague and ambiguous as to</p> <p>17 "dismissed."</p> <p>18 If you know personally that any teaches have</p> <p>19 been dismissed I suppose over your -- how many years was</p> <p>20 it? 20 something?</p> <p>21 THE WITNESS: Oh, no. 17th year.</p> <p>22 MS. ANGELL: Okay. So if you understand the</p> <p>23 question --</p> <p>24 THE WITNESS: Zero.</p> <p>25 MS. LARKINS: While I'm remembering this, I took</p>	<p style="text-align: right;">Page 85</p> <p>1 MS. LARKINS: I just took back my book which was</p> <p>2 laying out there. I did not have any interest at all in</p> <p>3 any of your documents and I couldn't tell you a single</p> <p>4 word.</p> <p>5 MS. ANGELL: Mrs. Larkins, I don't know what you</p> <p>6 did because you did it while I was out and you went</p> <p>7 through my stuff. And I'm just asking you to please</p> <p>8 don't do that again.</p> <p>9 BY MS. LARKINS:</p> <p>10 Q. Ms. Coffey, how did you feel when Lucy Flowers</p> <p>11 left Castle Park Elementary School?</p> <p>12 MS. ANGELL: Objection. Vague and ambiguous;</p> <p>13 lacks foundation and not relevant.</p> <p>14 MS. LARKINS: Are you instructing her not to</p> <p>15 answer?</p> <p>16 MS. ANGELL: If she understand the question and</p> <p>17 knows what it is -- there is no foundation for that</p> <p>18 question. Do you want to ask her if she knows who Lucy</p> <p>19 Flowers is, if Lucy Flowers was a teacher or an employee</p> <p>20 at Castle Park?</p> <p>21 BY MS. LARKINS:</p> <p>22 Q. Do you know who Lucy Flowers is?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Was she a teacher as Castle Park?</p> <p>25 A. Yes, she was.</p>

22 (Pages 82 to 85)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 86	Page 88
<p>1 Q. How did you feel when she left Castle Park?</p> <p>2 A. I don't know how to answer how did I feel.</p> <p>3 Q. Did you feel upset when she left Castle Park?</p> <p>4 A. No. No.</p> <p>5 Q. Okay. How did you feel when Heather Comen left</p> <p>6 Castle Park?</p> <p>7 Wait a minute. I didn't establish foundation.</p> <p>8 Do you know someone named Heather Comen?</p> <p>9 A. I did.</p> <p>10 Q. Was she a teacher at Castle Park?</p> <p>11 A. She was.</p> <p>12 Q. How did you feel when she left Castle Park?</p> <p>13 A. Same thing. I don't know how to describe how I</p> <p>14 feel.</p> <p>15 Q. Did you object when she left?</p> <p>16 MS. ANGELL: Vague and ambiguous as to "object."</p> <p>17 BY MS. LARKINS:</p> <p>18 Q. Did you go to the district and carry signs when</p> <p>19 she left?</p> <p>20 A. No.</p> <p>21 MS. ANGELL: Who is she?</p> <p>22 MS. LARKINS: Heather Comen.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. LARKINS:</p> <p>25 Q. Okay. Did you go to the district and carry</p>	<p>1 Q. Okay. And do you know -- did this happen on --</p> <p>2 during lunchtime?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Did you ever tell me that on the last day</p> <p>5 of school you just needed to let off steam?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Do you recall that one year the</p> <p>8 custodians worked for about a week to clean the carpet</p> <p>9 and walls in the staff lounge?</p> <p>10 A. No.</p> <p>11 Q. Okay. Do you recall that on the last day of the</p> <p>12 school year on the year following that, Robin Donlan came</p> <p>13 in to the staff lounge while you were sitting there and</p> <p>14 she was wearing a raincoat in the expectation of having</p> <p>15 another food fight?</p> <p>16 A. Yeah, I remember that.</p> <p>17 Q. And what did you say to her?</p> <p>18 A. I don't remember.</p> <p>19 Q. Did you --</p> <p>20 A. I probably laughed.</p> <p>21 Q. Okay.</p> <p>22 MS. ANGELL: Excuse me. I'd like to ask a</p> <p>23 question before we get too far away from this topic, if</p> <p>24 you don't mind.</p> <p>25 Mrs. Larkins?</p>
Page 87	Page 89
<p>1 signs when Heather Smith left?</p> <p>2 A. No.</p> <p>3 Q. And did you go to the district and carry signs</p> <p>4 when Lucy Flowers left?</p> <p>5 A. No.</p> <p>6 Q. Okay. Were you ever involved in a food fight in</p> <p>7 the staff lounge at Castle Park Elementary School</p> <p>8 District?</p> <p>9 A. What?</p> <p>10 MS. ANGELL: If you could respond with a yes or</p> <p>11 no or I don't know --</p> <p>12 THE WITNESS: I'm sorry. I'm sorry. I don't</p> <p>13 know. I -- I don't believe so.</p> <p>14 A food fight? No.</p> <p>15 BY MS. LARKINS:</p> <p>16 Q. Did you ever tell me about a food fight in the</p> <p>17 lounge at Castle Park Elementary School?</p> <p>18 A. Not that I recall.</p> <p>19 Oh, there was a -- oh, maybe -- okay. Maybe a</p> <p>20 whipped cream incident, not a food fight.</p> <p>21 Q. Okay. Well, tell me about the whipped cream</p> <p>22 incident.</p> <p>23 A. Just a couple people were spraying each other</p> <p>24 with it. That's the only thing even close to what I</p> <p>25 think you might be talking about.</p>	<p>1 MS. LARKINS: Yes?</p> <p>2 MS. ANGELL: Do you mind if I ask a question?</p> <p>3 MS. LARKINS: Go ahead.</p> <p>4 MS. ANGELL: How do you know what Robin Donlan</p> <p>5 was thinking about why she was wearing a raincoat inside</p> <p>6 the teachers' lounge during whatever this unspecified</p> <p>7 time was that you just mentioned when you saw her in a</p> <p>8 raincoat inside the teachers' lounge? Did she tell you</p> <p>9 why she was wearing a raincoat?</p> <p>10 THE WITNESS: Everyone is asking me to remember</p> <p>11 things that I don't remember. I cannot remember</p> <p>12 conversations from years ago. I can't even remember</p> <p>13 things from last week. I don't know how to answer any of</p> <p>14 this stuff that asks me for when things happen.</p> <p>15 MS. ANGELL: Okay.</p> <p>16 THE WITNESS: I don't remember that long ago.</p> <p>17 MS. ANGELL: Okay. The question was -- you</p> <p>18 testified a minute ago that you remember a day that Robin</p> <p>19 Donlan was wearing a raincoat in expectation of having</p> <p>20 another food fight. My question to you is what's the</p> <p>21 basis for your statement that Robin -- why Robin Donlan</p> <p>22 was wearing a raincoat inside the teachers' lounge? Did</p> <p>23 she tell you it had something to do with a food fight?</p> <p>24 And if you don't recall, then your testimony is that you</p> <p>25 don't recall.</p>

23 (Pages 86 to 89)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 90	Page 92
<p>1 THE WITNESS: Well, here's what I'm having 2 trouble with. What does this have to do with anything? 3 MS. ANGELL: Well, that's not the issue. The 4 issue for you is do you have a memory of it or do you not 5 have a memory of it? 6 THE WITNESS: I have a memory of her in the 7 raincoat, yes. 8 MS. ANGELL: Do you have a memory of her telling 9 you why she was wearing a raincoat? 10 THE WITNESS: No. 11 MS. ANGELL: So, therefore, do you know why she 12 was wearing a raincoat in the teachers' lounge one day? 13 THE WITNESS: Can you say you think you know -- 14 MS. ANGELL: I want to know -- 15 THE WITNESS: -- or you know? 16 MS. ANGELL: I want to know if you were told -- 17 THE WITNESS: I don't remember if I was told. 18 MS. ANGELL: Okay. So is it true that you don't 19 know why she was wearing the raincoat? 20 THE WITNESS: I'm totally confused. I'm sorry. 21 MS. ANGELL: Let's go off the record for a 22 second. 23 VIDEOGRAPHER: We're going off the record. The 24 time is 12:37 p.m. 25 (Recess taken.)</p>	<p>1 MS. LARKINS: Oh, good. 2 Q. Okay. Can you tell me what were the main 3 principles of the Comer program? 4 A. No, I can't. 5 Q. Was one -- I'm going to try to help you 6 remember. If I say something that you remember, then 7 just tell me so. Was one of the principles that every 8 person should have a voice? 9 A. I don't remember. 10 Q. Okay. What was the purpose of Kingdoms? 11 MS. ANGELL: Objection. Vague and ambiguous. 12 To the extent that you understand the question 13 and you know the answer, you can answer it; however, I'd 14 like to renew the relevance objection. We have been 15 going for I think an hour on Comer-related issues, and 16 there is no evidence -- there is no offer of proof that 17 shows why this is relevant to anything concerning 18 plaintiff's arrest records. 19 Do you understand the question, Ms. Coffey? 20 THE WITNESS: It's a little too broad for me to 21 figure out how to answer it. 22 BY MS. LARKINS: 23 Q. Did you work hard to keep the Kingdoms program 24 when other teachers complained that they wanted it to be 25 ended?</p>
Page 91	Page 93
<p>1 MS. ANGELL: I'm going to need to hear the last 2 question. 3 VIDEOGRAPHER: We're going on the record. The 4 time is 12:48 p.m. 5 MS. ANGELL: Or if it would be easier to just 6 read over your shoulder. 7 There was a question posed by me to Mrs. Coffey. 8 (The question at Page 90, Line 18 was read.) 9 THE WITNESS: Correct. That's true. 10 MS. ANGELL: Thank you. I'm done. Thank you 11 for letting me ask that question. 12 MS. LARKINS: Are we on the record? 13 VIDEOGRAPHER: Yes. 14 MS. ANGELL: Yes. 15 MS. LARKINS: Okay. 16 Q. Does it ever rain in the teachers' lounge? 17 MS. ANGELL: Objection. Argumentative. 18 MS. LARKINS: I withdraw it. I have watched 19 enough Matlock to do this. Okay. 20 MS. ANGELL: Is Mr. Hersh with us? 21 MS. LARKINS: Mr. Hersh? 22 MR. HERSH: I am certainly with you guys. 23 MS. LARKINS: I don't hear you laughing. 24 MR. HERSH: I have the mute button on, but I 25 assure you I am laughing appropriately.</p>	<p>1 A. I don't know what you mean by "work hard." 2 Q. Okay. Did some of the teachers at Castle Park 3 want to end the Kingdoms program soon after it started? 4 A. I don't know. 5 Q. Was there a vote held on whether Kingdoms would 6 be discontinued? 7 MS. ANGELL: Objection. Vague and ambiguous as 8 to time. 9 MS. LARKINS: Soon after it started. 10 THE WITNESS: I don't remember. 11 When you look at me like that it makes me feel 12 upset. It makes me feel like I'm stupid or something for 13 not remembering. 14 BY MS. LARKINS: 15 Q. Okay. I'm going to try to -- do you remember 16 one peace committee meeting where you and I and Virginia 17 Copeland and Heather Comen and Kevin Richardson were 18 meeting in Kevin Richardson's room? 19 A. No, I don't. 20 Q. Do you remember being angry at Linda Watson, 21 Karen Snyder and Peggy Myers because they wanted to end 22 the Kingdoms program? 23 A. No. 24 Q. No? 25 A. I can't remember.</p>

24 (Pages 90 to 93)

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

<p style="text-align: right;">Page 94</p> <p>1 Q. Okay. Do you believe that it's important for 2 teachers to be honest? 3 MS. ANGELL: Objection. Argumentative, 4 relevance. 5 BY MS. LARKINS: 6 Q. Is one of the reasons that you work hard to have 7 Kingdoms is because you thought it was important for 8 children to be honest? 9 A. Yes. 10 Q. Do you think it's also important for teachers to 11 be honest? 12 MS. ANGELL: Same objection. Argumentative, 13 relevance. 14 MS. LARKINS: Are you instructing her not to 15 answer? 16 MS. ANGELL: I made my objection. 17 MS. LARKINS: You can answer. 18 THE WITNESS: I think it's important for 19 teachers to be honest. I believe it's important for 20 everyone to be honest. 21 MS. LARKINS: Thank you. Thank you. 22 Q. Do you remember ever being upset when teachers 23 were having a conflict over whether or not to have 24 Kingdoms and saying that you were going to resign? 25 MS. ANGELL: Objection. Assumes facts. I</p>	<p style="text-align: right;">Page 96</p> <p>1 Let me strike that question it stunk so bad. 2 Starting over. Other than discussions that you 3 have had with counsel and not including discussion of 4 allegations made by Mrs. Larkins in relation to this 5 litigation, have you ever been told the following -- 6 words to the effect of the following that, quote: 7 "Plaintiff Maura Larkins needed to be arrested by police 8 because she was a dangerous person who had at least one 9 handgun," end quote? 10 A. No. I've never heard that before. 11 Q. Has anyone other than counsel and in the context 12 of discussing the allegations made by Mrs. Larkins -- has 13 anyone ever told you that Mrs. Larkins was arrested? 14 A. Never. 15 Q. Has anyone -- outside of your discussions with 16 counsel and in the context of the allegations made by 17 Mrs. Larkins in this litigation, has anyone ever told 18 that you Mrs. Larkins has a handgun? 19 A. No. 20 MS. ANGELL: That's it. 21 MS. LARKINS: We're done. 22 VIDEOGRAPHER: Stipulation on the record? 23 MS. ANGELL: No, there is no stipulation on the 24 record. You want to put one on? 25 MS. LARKINS: Let me try. Okay. This might not</p>
<p style="text-align: right;">Page 95</p> <p>1 believe she testified that she does not know that people 2 wanted to get rid of a program. I don't recall if it was 3 Kingdoms or Comer, but it's confusing to me, and I think 4 she already testified that she doesn't have knowledge of 5 that, unless I'm misunderstanding. 6 MS. LARKINS: Let me ask the question 7 differently. 8 Q. When you were on the Kingdoms -- I'm sorry -- 9 the peace committee, did you ever talk about resigning 10 your membership? 11 A. To the committee? 12 Q. Yes. 13 A. I don't remember. 14 MS. LARKINS: Okay. I have no more questions. 15 I'm finished. You can go ahead. 16 17 EXAMINATION BY MS. ANGELL: 18 Q. Mrs. Coffey, outside of any discussions that you 19 have had with counsel -- because we don't want any 20 information that has come out of discussions that you 21 have had with counsel in this case -- but outside of 22 discussions with counsel, have you ever been told in any 23 context prior to this litigation beginning that 24 plaintiff, Maura Larkins, was a dangerous person who had 25 at least one handgun -- and that was a quote. I'm sorry.</p>	<p style="text-align: right;">Page 97</p> <p>1 been in the usual order. 2 One thing I wanted to say is that a fax 3 signature will be accepted the same as an original 4 signature. 5 I would like to stipulate that the transcript 6 will be provided to Ms. Angell, and she will keep the 7 original of the transcript. And she will -- from the 8 time that she gives the transcript to Ms. Coffey -- let's 9 see. You thought that I should have one week to do mine, 10 so how long do you think Ms. Coffey should have to do 11 hers? 12 THE WITNESS: To do my what? 13 MS. ANGELL: Ms. Coffey, how long -- the 14 plaintiff didn't tell you how it works, but the lady over 15 here has been typing down every word that we say. It's 16 going to kind of look like a movie transcript. We have 17 been going in the neighborhood of three hours, so it's 18 probably going to be two-inches thick or more. 19 THE WITNESS: Oh. 20 MS. ANGELL: What you'll need to do when you 21 receive a copy of the transcript is to review it for 22 accuracy to make sure that the court reporter took down 23 your testimony correctly. 24 THE WITNESS: Uh-huh. 25 MS. ANGELL: And that's your opportunity, if you</p>

25 (Pages 94 to 97)

Page 98

1 need to make corrections to the transcript, to do so.
2 The process is that you read it, check it for accuracy in
3 the transcript, and you make any changes if necessary,
4 and then you sign and date it and you return it to me.
5 We notify plaintiff that it's been signed and dated, and
6 if any corrections have been made, we let her know.

7 THE WITNESS: So I send it you by mail?

8 MS. ANGELL: Uh-huh. And the question is how --
9 long do you anticipate -- in light of the other things
10 that are going on for you --

11 How long is it going to take, ma'am, to get the
12 transcript done? About a week?

13 So after the Veterans Day weekend. So probably
14 around the 17th of November. If you're provided with the
15 transcript sometime before November 19th, how long is it
16 going to take you to read through a document about double
17 spaced about this thick for accuracy and make any changes
18 or corrections and return it to me?

19 THE WITNESS: Can you make a suggestion?
20 Because I don't have the foggiest.

21 MS. ANGELL: Well, plaintiff suggested a week.

22 THE WITNESS: A week after I receive it?

23 MS. ANGELL: Uh-huh. A lot of time -- I mean I
24 don't know if you -- you don't need to give any
25 information as to whether you'll be in town or out of

Page 99

1 town, but you know what your commitments are.

2 THE WITNESS: Right, because the following week

3 is a holiday weekend.

4 MS. ANGELL: Thanksgiving weekend.

5 THE WITNESS: Uh-huh.

6 MS. ANGELL: Do you need four weeks; do you need

7 three weeks?

8 THE WITNESS: I'd like to have at least until

9 the end of the month.

10 MS. ANGELL: So you if you receive it on

11 November 19th -- that's the Friday before Thanksgiving --

12 so the end of the month is -- I don't think it's two

13 weeks after that.

14 THE WITNESS: Oh.

15 MS. LARKINS: Shall we say two weeks?

16 THE WITNESS: I wasn't expecting this question,

17 so I don't -- I mean not that I was expecting any of

18 them, but I had no idea I was going to have to make a

19 decision here, so --

20 MS. LARKINS: If it would help you at all, I'll

21 tell you that my decision -- I have one week to do mine.

22 MS. ANGELL: Well, you're the plaintiff in this

23 case, and as far as I'm aware, you have no job.

24 Ms. Coffey has a full-time job and she does lesson plans

25 and she corrects papers, and there is a vacation coming

Page 100

1 up, etcetera, etcetera, so --

2 THE WITNESS: My dad's going in for surgery.

3 MS. ANGELL: And we're on the record, so

4 anything you don't want said, don't say it.

5 THE WITNESS: Okay.

6 MS. ANGELL: Friday the 19th. Here's

7 Thanksgiving. So if you get it on that day, when can you

8 have it done? That day being the 19th. It's a guess as

9 to when you'll receive it.

10 THE WITNESS: What's fair? I don't know what is

11 fair.

12 MS. ANGELL: Can you the get it finished and

13 returned to me by Friday, December 10? That would be

14 one, two, three Fridays.

15 THE WITNESS: Okay.

16 MS. ANGELL: Yeah? December 10th? That's three

17 weeks.

18 MS. LARKINS: Okay.

19 MS. ANGELL: So she'll have three weeks from the

20 time that she receives the transcript from me to review

21 it and make any corrections necessary and provide any

22 changes and her signature page to me, upon which time

23 I'll notify Mrs. Larkins.

24 MS. LARKINS: And let's see. The original will

25 be kept by Ms. Angell and/or her law firm, and a

Page 101

1 certified copy will be deemed as good as the original.
2 And if there is anything else that needs to be
3 said, I need either Ms. Angell or Mr. Hersh to say it.
4 MS. ANGELL: Mr. Hersh, you got anything?
5 MR. HERSH: No.
6 MS. ANGELL: All right. So stipulated.
7 MS. LARKINS: So stipulated.
8 VIDEOGRAPHER: This concludes today's
9 deposition. We are going off the record at 1:03 p.m.
10 * * * * *
11 I, TERESA COFFEY, swear under penalty of perjury
12 that I have read the foregoing, and that it is true and
13 correct, to the best of my knowledge and belief.
14 Signed on this day of , 2004, at
15
16 (City) (State)
17
18
19 TERESA COFFEY
20
21
22
23
24
25

Larkins v. Werlin
GIC 781970

Deposition of Teresa Coffey
November 8, 2004

Page 102

1
2 STATE OF CALIFORNIA)

3) ss.

4 COUNTY OF SAN DIEGO)
5

6 I, T. A. Martin, a Certified Shorthand Reporter,
7 Certificate No. 3613, do hereby certify that the witness
8 in the foregoing deposition was by me first duly sworn to
9 testify to the truth, the whole truth, and nothing but
10 the truth in the foregoing cause; that the deposition was
11 then taken before me at the time and place herein named;
12 that said deposition was reported by me in shorthand, and
13 then transcribed through computer-aided transcription
14 under my direction, and that the foregoing transcript
15 contains a true record of the testimony of said witness.

16 I do further certify that I am a disinterested
17 person and am in no way interested in the outcome of this
18 action, or connected with or related to any of the
19 parties in this action or to their respective counsel.

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 on this 19th day of November, 2004.
22

23
24 T. A. MARTIN
25 Certificate No. 3613

27 (Page 102)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 1

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

MAURA LARKINS,

Plaintiff,

vs.

RICHARD T. WERLIN, etc., et al.,

Defendants.

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Case No. GIC 781970

DEPOSITION OF KAREN SNYDER

Taken at San Diego, California

Tuesday, November 9th, 2004

Diane M. Holnback, C.S.R.

Certificate No. 11686

COMPLIMENTARY

Page 2	Page 4
<p>1 I-N-D-E-X 2 DEPOSITION OF KAREN SNYDER November 9, 2004</p> <p>3 4 Examination by Ms. Larkins 5 74 5 Examination by Ms. Angell 69</p> <p>6 7 EXHIBITS: REFERRED/MARKED 8 1 One page of handwritten notes 65 64 dated 4/20/01 (Bates Stamp No. 31) 9 10 2 One page of handwritten notes 65 64 continuing from Exhibit 1 herein (Bates Stamp No. 32) 11 12 3 One page of handwritten notes 68 64 continuing from Exhibit 2 herein (Bates Stamp No. 33) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 VIDEOGRAPHER: This is the video deposition of 2 Karen Snyder being taken on behalf of Plaintiff in the 3 matter of Maura Larkins versus Richard T. Werlin, et 4 cetera, et al., San Diego Superior Court Case No. GIC 5 781970. 6 This deposition is being held in the offices of 7 San Diego Court Reporting located at 319 Elm Street, 8 Suite 100, San Diego, California. It is Tuesday, 9 November 9th, 2004 and the time is now 1:10 p.m. 10 My name is Gregg Eisman. I am a legal video 11 specialist with Videographics located at 1903 30th 12 Street, San Diego, California. The certified shorthand 13 reporter is Diane Holnback of San Diego Court Reporting. 14 For the video record would counsel please state 15 their appearances? 16 MS. LARKINS: Maura Larkins, Plaintiff in pro 17 per. 18 MS. ANGELL: Kelly Angell, counsel for Robin 19 Donlan and Linda Watson. 20 MR. HERSH: Michael Hersh for the Association 21 Defendants. 22 VIDEOGRAPHER: Would the reporter please swear 23 the witness? 24 THE REPORTER: Would you raise your right hand, 25 please? Do you solemnly swear the testimony you're about</p>
Page 3	Page 5
<p>1 DEPOSITION OF KAREN SNYDER 2 3 Pursuant to Notice to take Deposition and on 4 the 9th day of November, 2004, commencing at the hour of 5 1:08 o'clock p.m. at 319 Elm Street, Suite 100, in the 6 City and County of San Diego, State of California, before 7 me, Diane M. Holnback, Certified Shorthand Reporter in 8 and for the State of California, personally appeared: 9 KAREN SNYDER, 10 who, called as a witness by the Plaintiff, being by me 11 first duly administered the oath, was thereafter examined 12 as a witness in said cause. 13 APPEARANCES 14 15 For the Plaintiff: MAURA LARKINS (In Propria Persona) 1938 Autocross Court 16 El Cajon, California 92019 619.444.0065. 17 For Robin Donlan STUTZ, ARTIANO, SHINOFF & HOLTZ and Linda Watson: By: KELLY R. ANGELL, ESQ. 18 401 West "A" Street, 15th Floor. San Diego, California 92101 19 619.232.3122. 20 For Chula Vista CALIFORNIA TEACHERS ASSOCIATION Educators, California By: MICHAEL HERSH, ESQ. 21 Teachers Association, 11745 East Telegraph Road Virginia Boyd and Post Office Box 2153 22 Timothy O'Neil: Santa Fe Springs, California 90670 562.942.7979. 23 24 Videographer: Gregg Eisman, N.P. Videographics. 25</p>	<p>1 to give in this matter shall be the truth, the whole 2 truth, and nothing but the truth, so help you God? 3 THE WITNESS: I do. 4 EXAMINATION 5 BY MS. LARKINS: 6 Q. Good morning. 7 A. (Witness nods head.) 8 Q. Do you understand what we are doing here today? 9 A. Yes. 10 Q. Good. Are you feeling well today? 11 A. Yes. 12 Q. Can you think of any reason why you couldn't 13 give your best testimony today? 14 A. No. 15 Q. I'd like to just do a typical review of your 16 education and employment. Can you tell me where you 17 graduated from high school? 18 A. Castro Valley High School in Northern 19 California. 20 Q. Hmm. And what year was that? 21 A. 1968. 22 Q. Okay. And what did you do after that as far as 23 education or employment? 24 A. Went to Cal Berkeley for four years; then moved 25 to San Diego; went to San Diego State.</p>

2 (Pages 2 to 5)

SAN DIEGO COURT REPORTING SERVICE
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Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 6

1 Q. Okay. So, where did you graduate from college?
2 A. Cal Berkeley.
3 Q. Okay. And then did you get a degree at
4 San Diego State?
5 A. Yes.
6 Q. And what was that?
7 A. A teaching credential and a masters degree.
8 Q. Okay. And the masters was in education?
9 A. Yes.
10 Q. Okay. Do you remember what year that was when
11 you got your masters and teaching credential?
12 A. Teaching credential was 1973 -- excuse me,
13 1974 -- and the masters was 1975.
14 Q. And then what did you do?
15 MS. ANGELL: Objection. Vague and ambiguous.
16 You mean with regard to employment? With regard to
17 education? With regard to what?
18 BY MS. LARKINS:
19 Q. With regard to education and employment.
20 A. When I got my teaching credential, I started
21 subbing in Chula Vista in 1973 and have been there ever
22 since.
23 Q. So you were working on your masters at the same
24 time --
25 A. Uh-huh.

Page 7

1 Q. -- that you were substituting?
2 A. Yes.
3 Q. Okay. And what was the first school where you
4 worked full-time?
5 A. Allen School.
6 Q. And how long were you there, just approximately?
7 A. Approximately three years.
8 Q. Okay. And -- I am sorry -- how many -- how long
9 did you say you were substituting?
10 A. September of '73 through January of '74.
11 Q. Okay. And then after you left Allen School
12 where did you go?
13 A. I went to Sunnyside School.
14 Q. Okay. And why did you leave Allen School?
15 MS. ANGELL: Objection. This witness has
16 privacy rights concerning her employment. So, with
17 regard to any kind of disciplinary matters, that kind of
18 thing, the witness will not be responding to the
19 question. But, other than those types of issues, other
20 privacy-protected things such as her personnel records,
21 her medical records, she can respond, if she understands
22 the question.
23 MS. LARKINS: And she can respond to questions
24 about disciplinary actions against me, correct?
25 MS. ANGELL: If she was involved in disciplinary

Page 8

1 actions concerning you and has that information, she --
2 she will know when she is not to respond to a question.
3 I will let her know.
4 MS. LARKINS: Okay.
5 Q. And then how long were you at Sunnyside?
6 A. I was at Sunnyside approximately three -- three
7 years.
8 Q. Okay. And who was your principal there?
9 A. I don't recall.
10 Q. It's a long time ago. Do you remember your
11 principal at Allen?
12 A. Yes. Charles Welsh.
13 Q. Okay. And after Sunnyside where did you go?
14 A. I went to Castle Park.
15 Q. Okay. So, can you give a rough estimate of what
16 year that was?
17 MS. ANGELL: Objection. Vague and ambiguous.
18 BY MS. LARKINS:
19 Q. When you went to Castle Park?
20 MS. ANGELL: Do you mean when she was first
21 employed full-time as a teacher at Castle Park? Do you
22 mean substituting at Castle Park?
23 MS. LARKINS: I mean when she was first employed
24 full time as a teacher.
25 THE WITNESS: I have been at Castle Park

Page 9

1 approximately 25 years.
2 BY MS. LARKINS:
3 Q. Okay. And do you remember who was principal
4 when you first arrived?
5 A. I can see his face.
6 Q. Okay.
7 A. I don't recall his name.
8 Q. Actually, let's -- do you remember having Oscar
9 Perez for your principal?
10 A. Yes.
11 Q. And before that did you have Tony Gonzalez for
12 your principal?
13 A. Yes.
14 Q. And do you remember anyone before that?
15 A. Yes, Shirley Helleis.
16 Q. Uh-huh. Okay. Was she there a long time?
17 A. No.
18 Q. Okay. About how long was she there?
19 MS. ANGELL: Do you mean while Ms. Snyder was
20 employed as a teacher there?
21 BY MS. LARKINS:
22 Q. Did she become principal while you were already
23 there?
24 A. Yes.
25 Q. Okay.

3 (Pages 6 to 9)

<p style="text-align: right;">Page 10</p> <p>1 A. About two years.</p> <p>2 Q. Okay.</p> <p>3 MS. ANGELL: I don't understand that answer.</p> <p>4 You had been teaching there for two years or Ms. Helleis</p> <p>5 was --</p> <p>6 THE WITNESS: Mrs. Helleis was principal</p> <p>7 approximately two years.</p> <p>8 MS. ANGELL: Thank you.</p> <p>9 BY MS. LARKINS:</p> <p>10 Q. Do you recall when Castle Park staff engaged in</p> <p>11 discussions about having a bilingual program?</p> <p>12 A. Yes.</p> <p>13 Q. About how many staff meetings were devoted to</p> <p>14 discussing whether or not to have a bilingual program at</p> <p>15 Castle Park?</p> <p>16 A. I don't know.</p> <p>17 MS. ANGELL: And I am going to object to this</p> <p>18 line of questioning. Please remember to allow counsel,</p> <p>19 including counsel that's on the phone, an opportunity to</p> <p>20 state objections, if necessary.</p> <p>21 Based on the allegations in the complaint, which</p> <p>22 claim that there was a conspiracy to slander by</p> <p>23 Ms. Donlan and her brother, slander by Ms. Donlan's</p> <p>24 brother, and the repetition of access and repetition of</p> <p>25 information from Mrs. Larkins' arrest records, as well as</p>	<p style="text-align: right;">Page 12</p> <p>1 Castle Park Elementary School were dismissed by the</p> <p>2 District within a period of seven years.</p> <p>3 And, as a teacher in Chula Vista schools since</p> <p>4 1974 myself, I know that having a teacher dismissed by</p> <p>5 the school board from a school is a very, very rare</p> <p>6 event. And I never, in my many, many years in the Chula</p> <p>7 Vista School District, knew of a single teacher who had</p> <p>8 been dismissed by the school board.</p> <p>9 And so the fact that out of only four bilingual</p> <p>10 positions at Castle Park Elementary two bilingual</p> <p>11 teachers have ended up being dismissed by the school</p> <p>12 board, the first one within a year of the bilingual</p> <p>13 program being instituted -- in fact, as I understand it,</p> <p>14 she was the only bilingual teacher at that time -- so you</p> <p>15 could say 100 percent of the bilingual teachers were</p> <p>16 dismissed in 1995 and 25 percent were dismissed in 2002.</p> <p>17 And this is extremely interesting, given the fact that</p> <p>18 the School District was bound by the Federal Civil Rights</p> <p>19 Act and state laws about civil rights. And I plan to</p> <p>20 bring this up at trial.</p> <p>21 MS. ANGELL: Any response, Michael?</p> <p>22 MR. HERSH: Can you hear me?</p> <p>23 MS. ANGELL: Yes.</p> <p>24 MR. HERSH: Yeah. Well, I am not sure this is</p> <p>25 the place to do a battle over relevance. But,</p>
<p style="text-align: right;">Page 11</p> <p>1 an intentional infliction of emotional distress, two</p> <p>2 causes of action I think related to grand jury subpoenas,</p> <p>3 these questions concerning meetings for the bilingual</p> <p>4 program at Castle Park Elementary School are not</p> <p>5 reasonably calculated to lead to the discovery of</p> <p>6 admissible evidence in this litigation.</p> <p>7 And your bringing this witness to be deposed</p> <p>8 today on things that are not relevant nor calculated to</p> <p>9 lead to the discovery of admissible evidence in this</p> <p>10 matter is harassing and is an abuse of the discovery</p> <p>11 process. Therefore, I am letting you know where I stand</p> <p>12 with regard to your questioning this witness on things</p> <p>13 unrelated to this litigation. And I request that you</p> <p>14 limit your questions to those that are relevant or</p> <p>15 designed to bring about relevant information and will let</p> <p>16 you go for a little while, give you some latitude</p> <p>17 assuming you can establish, make an offer of proof,</p> <p>18 concerning the relation of these unrelated issues to your</p> <p>19 allegations, but it's not going to go on forever.</p> <p>20 MR. HERSH: And I would like to join in on that</p> <p>21 myself on behalf of the association defendants.</p> <p>22 BY MS. LARKINS:</p> <p>23 Q. As an offer of proof that attitudes about</p> <p>24 bilingual education at Castle Park are related to this</p> <p>25 case, I offer the fact that two bilingual teachers at</p>	<p style="text-align: right;">Page 13</p> <p>1 Ms. Larkins, I would just remind you this is not a</p> <p>2 wrongful termination case. This is a case where you</p> <p>3 specifically alleged that my clients wrongfully possessed</p> <p>4 criminal justice records information pertaining to you.</p> <p>5 And the other allegations have nothing to do with the</p> <p>6 reasons given for your termination by the District.</p> <p>7 So, and in fact, your -- what you just said</p> <p>8 makes no sense, in light of the theory of your case. You</p> <p>9 know, it's just -- it's completely contrary to, you know,</p> <p>10 if you -- if you're now saying that you were dismissed as</p> <p>11 part of some sort of campaign to get rid of bilingual</p> <p>12 teachers, why would that have anything to do with</p> <p>13 wrongful possession of criminal justice records</p> <p>14 information?</p> <p>15 I understood your theory of the case to be that,</p> <p>16 because people circulated this criminal justice records</p> <p>17 information and slandered you, the District or, you know,</p> <p>18 the District then had some reason to terminate you. So,</p> <p>19 I don't understand the connection between your</p> <p>20 allegations in the sixth amended complaint and where</p> <p>21 you're going here.</p> <p>22 MS. LARKINS: I will try to help you understand,</p> <p>23 Mr. Hersh. First of all, people don't just decide to</p> <p>24 circulate arrest information. They don't just suddenly</p> <p>25 decide to slander somebody. They start out with a</p>

4 (Pages 10 to 13)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

<p style="text-align: right;">Page 14</p> <p>1 motivation. And what I am going to be presenting to the 2 jury is, among other motivations, that several teachers 3 at Castle Park Elementary School were motivated to cause 4 problems for the bilingual program. 5 And, as a matter of fact, the other teacher, I 6 do not believe that any arrest records were distributed 7 in her case. I believe that probably slander was part of 8 what happened, but the motive is different from the 9 method of achieving the goal. 10 I am offering this as one motive. And I am 11 hoping that the jury will grasp what I am trying to say 12 better than you're able to. 13 MS. ANGELL: My relevance objection stands and 14 the witness may answer questions to some degree and 15 we will spend some time on this topic and then there will 16 come a point at which we will not any more. 17 MS. LARKINS: Any time you wish to instruct your 18 client not to answer questions, that's fine. In fact, I 19 prefer that to long objections. 20 Q. Okay. About how many staff meetings were there 21 at which the idea of having a bilingual program come to 22 Castle Park was discussed? 23 MS. ANGELL: Objection. Vague and ambiguous as 24 to time. 25 THE WITNESS: I don't recall.</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. LARKINS: Well, I'm happy to have a 2 running -- running objection and a stipulation that your 3 objection of relevance will apply to all questions. 4 MS. ANGELL: Okay. So stipulated. 5 Michael, you're joining in that? 6 MR. HERSH: Yes. 7 MS. LARKINS: So stipulated. 8 Q. Okay. Do you remember the question? 9 A. Could you repeat the question? 10 Q. Sure. 11 A. Please. 12 Q. Did there come a time when you were a teacher at 13 Castle Park when the subject of bringing a bilingual 14 program to Castle Park came up at a staff meeting? 15 A. Yes. 16 Q. Can you remember when this was, approximately? 17 A. No. 18 Q. But you have in your mind a memory that one of 19 those years awhile back this came to be discussed; is 20 that true? 21 A. Yes. 22 Q. Do you remember who was principal when this idea 23 came up? 24 A. No. I don't recall. 25 Q. Okay. Do you remember how many years Oscar</p>
<p style="text-align: right;">Page 15</p> <p>1 MS. LARKINS: Okay. 2 MS. ANGELL: Do you understand what time frame 3 she was talking about? It's really important that you 4 understand the question before you answer it. 5 THE WITNESS: Okay. 6 MS. ANGELL: Okay? So make sure you understand 7 what she is asking. 8 THE WITNESS: Okay. 9 BY MS. LARKINS: 10 Q. Well, let me ask you some more lead-up 11 questions, because I was not there at the time that these 12 meetings happened and you were. 13 A. (Witness nods head.) 14 Q. Okay. 15 MS. ANGELL: Objection as to plaintiff's 16 testifying. Move to strike. 17 BY MS. LARKINS: 18 Q. Do you recall a time during you were teaching at 19 Castle Park when the prospect of bringing a bilingual 20 program to Castle Park was brought up at a staff meeting? 21 MS. ANGELL: Objection, relevance. Do you want 22 the same stipulation that all your questions are not 23 relevant or designed to lead to the calculation of 24 admissible evidence or do you want me to just make it? 25 Whatever way you want to handle it is fine with me.</p>	<p style="text-align: right;">Page 17</p> <p>1 Perez was principal at Castle Park? If I give you a 2 suggestion -- 3 A. (Witness shakes head.) 4 Q. -- do you want to tell me if it sounds right to 5 you? Would it sound right to you that he was principal 6 from fall of '94 to the fall -- wait a minute. 7 Do you remember when Gretchen Donndelinger came 8 to Castle Park High School? 9 MS. ANGELL: Excuse me. Is the prior question 10 stricken? 11 MS. LARKINS: Yes. 12 Q. Would you like some help on that? 13 A. (Witness nods head.) 14 MS. ANGELL: Is the prior question stricken, 15 when you ask multiple questions? 16 MS. LARKINS: Yes. 17 MS. ANGELL: Okay. 18 MS. LARKINS: Yeah. Any time I ask more than 19 one question, the prior question is stricken. 20 MS. ANGELL: Well, that's not going to be what's 21 understood by the witness. The witness is going to try 22 and respond to whatever question is in front of her, 23 unless you say "strike that" or something along those 24 lines so she knows where to start. 25 MS. LARKINS: I will try to say that.</p>

5 (Pages 14 to 17)

<p style="text-align: right;">Page 18</p> <p>1 MS. ANGELL: And I'd like to remind the witness, 2 please, that you need to give audible responses so that 3 the court reporter can type down what you're saying. So, 4 instead of shaking your head like you are right now -- 5 THE WITNESS: (Witness nods head.) 6 MS. ANGELL: -- you would say, "Yes," or, "I 7 understand," or something like that. Do you understand? 8 THE WITNESS: Yes. 9 MS. ANGELL: Thank you. 10 BY MS. LARKINS: 11 Q. Okay. Does it sound about right to you that 12 Gretchen Donndelinger came to be principal in the fall of 13 1997? 14 A. I don't recall. 15 Q. Okay. Does it sound like it's kind of maybe 16 ballpark accurate? 17 MS. ANGELL: Objection. Asked and answered. 18 You already asked a ballpark question. She said she 19 didn't know. 20 MS. LARKINS: As a matter of fact, Ms. Angell, I 21 asked a specific question. 22 MS. ANGELL: You asked does it sound right that 23 she came in about 1997 and she said she doesn't know. 24 MS. LARKINS: Yes. 25 MS. ANGELL: So repeatedly asking the same</p>	<p style="text-align: right;">Page 20</p> <p>1 something. I would -- gesturing with my hands is very, 2 very vague. Ms. Angell, could you be more clear in 3 describing the gestures of my hands? 4 MS. ANGELL: I have just described it. Your 5 behavior toward this witness, I believe, is intended to 6 intimidate her and to mock her and to make her generally 7 feel uncomfortable and pressured and it was sarcastic. 8 And, because the court reporter is typing and doesn't 9 recognize things like hand gestures, like I just rotated 10 my left hand forward -- 11 MS. LARKINS: Did you intend that as sarcasm? 12 MS. ANGELL: No, I didn't. Because the court 13 reporter doesn't take down things like rolling of eyes, 14 staring, hand gestures, leaning forward in the chair, 15 when I feel that you're doing this to intimidate the 16 witness I am going to reflect it for the record. 17 MS. LARKINS: Okay. I want you to reflect it 18 accurately, Ms. Angell. 19 MS. ANGELL: Well, you can feel free to state 20 what you think is accurate. 21 MS. LARKINS: I would like you to do it. 22 MS. ANGELL: I already have. 23 MS. LARKINS: You said I was gesturing with my 24 hands. Could you please describe my gestures? 25 MS. ANGELL: You were waving your hands about.</p>
<p style="text-align: right;">Page 19</p> <p>1 question is harassing and, if you could just do each 2 question maybe once, that would be good. 3 MS. LARKINS: Ms. Angell, the witness has stated 4 that she doesn't know if Gretchen Donndelinger came in 5 1997. Now, that does not mean that she has no concept at 6 all of the time when Gretchen Donndelinger -- I'll bet if 7 I said, "Did she come sometime after 1990," I'll bet the 8 witness could answer that and that way we could narrow 9 down the time frame a little here, because I know you, in 10 particular, really like to have time frames narrowed 11 down. And I think that might help you as well as me, if 12 we could narrow this down a little bit better to "I don't 13 know." I am sure she has some concept of when Gretchen 14 Donndelinger came. 15 MS. ANGELL: I think she already answered that 16 question, but you can try one more time. 17 MS. LARKINS: Well, let's ask that specific 18 question. 19 Q. Do you have any concept at all of when Gretchen 20 Donndelinger came? 21 MS. ANGELL: And let the record reflect that 22 plaintiff is shaking her head, gesturing with her hands 23 and rolling her eyes while talking to the witness. 24 You can answer. 25 MS. LARKINS: Excuse me. I would like to say</p>	<p style="text-align: right;">Page 21</p> <p>1 MS. LARKINS: Haphazardly or more controlled, 2 like you said, you rotated your hand? Would you say I 3 was rotating my hands like this? 4 MS. ANGELL: You were -- you were shaking both 5 of your hands in a forward-moving motion showing what 6 appeared to me to be exasperation combined with your tone 7 of voice and the rolling of your eyes looking at the 8 witness. It appeared to me that you were exhibiting your 9 exasperation. 10 MS. LARKINS: Okay. What I was trying to 11 exhibit is the broadness of the question that I am asking 12 you. That's why I moved my hands outward to the sides to 13 show the broadness. 14 MS. ANGELL: Well, if you would like to reflect 15 broadness of your question, you can do that with words, 16 because, see, the court reporter needs to be able to type 17 down everything that's being asked. And if you're 18 attempting to ask additional things by your hands or by 19 your -- any particular tone of voice you're using or 20 facial gestures any of that kind of thing, it needs to be 21 reflected in such a way that the court reporter can get 22 it. 23 MS. LARKINS: Fortunately, we have a video 24 camera and audio, audio recorder here, so the tone of 25 voice is going to be recorded for posterity here.</p>

6 (Pages 18 to 21)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 22

1 MS. ANGELL: But it's not reported in the typed
2 transcript and there is no videotape of counsel, because
3 that's not permitted by the code. So, therefore, I am
4 entitled to reflect when you're behaving in such a way
5 that I think is set to intimidate the witness and I will
6 reflect it. Would you like to continue questioning the
7 witness or not?
8 MS. LARKINS: I want to make it clear that your
9 false description of the movement of my hands was false.
10 I was not shaking my hands and I was certainly not
11 shaking them forward. I was -- had my hands together and
12 then I moved them out laterally out to the sides, both of
13 the hands at the same time out to the sides.
14 Q. Do you have an idea of what decade Gretchen
15 Donndelinger came to Castle Park School?
16 A. Yes.
17 Q. What decade was that?
18 A. 1990's.
19 Q. Can you tell us if it was at the beginning, at
20 the middle or the end of that decade?
21 A. I don't recall.
22 Q. Okay. Well, then were you ever the
23 representative to Chula Vista Educators for Castle Park
24 Elementary School?
25 A. Yes.

Page 23

1 Q. About how many years did you hold that position?
2 A. I don't recall.
3 Q. Was it more than one or just one?
4 A. It was more than one.
5 Q. Do you think it was more than two?
6 A. Yes.
7 Q. Do you think it was more than three?
8 A. I don't recall.
9 Q. Okay. So we know that it was at least three.
10 Okay.
11 A. No.
12 Q. Oh, then it might have been two and a half, two
13 plus a small, partial year?
14 MS. ANGELL: Her testimony was that it was more
15 than two. You asked if it was three. She said she
16 didn't remember. So the testimony is that it was more
17 than two.
18 MS. LARKINS: Okay.
19 Q. Did you hold these positions for an entire year
20 or just partial years?
21 MS. ANGELL: Which position? It's vague and
22 ambiguous.
23 BY MS. LARKINS:
24 Q. This position of as Castle Park representative
25 to Chula Vista Educators.

Page 24

1 A. Entire year.
2 Q. Okay. So, if it were more than two and it was
3 always an entire year segment, it would have to be a
4 minimum of three; is that not true?
5 A. I don't recall.
6 Q. Okay. Actually, that's a math question.
7 MS. ANGELL: Objection. Move to strike
8 plaintiff's comment after the witness's response and I
9 will ask Ms. Larkins to refrain from the commentary to
10 the witness.
11 BY MS. LARKINS:
12 Q. Okay. When you were Castle Park representative
13 to CVE, what was your job?
14 MS. ANGELL: Objection, vague and ambiguous. Do
15 you mean what duties did she perform as a union rep?
16 MS. LARKINS: Yes.
17 THE WITNESS: I attended the union rep meetings
18 and would bring the information back to the staff at
19 union meetings that were held after school to anyone that
20 wanted to attend and represented teachers, if they needed
21 representation.
22 BY MS. LARKINS:
23 Q. What sorts of situations would cause you to
24 represent teachers?
25 A. If a teacher needed someone to be in a meeting,

Page 25

1 if a teacher wanted another person in a parent meeting or
2 a meeting with a principal.
3 Q. And what did you see your role in those meetings
4 to be?
5 A. Someone that took notes and was a witness to
6 what went on in the meeting.
7 Q. Okay. And what did you do with the notes that
8 you took?
9 MS. ANGELL: Objection. Vague and ambiguous.
10 BY MS. LARKINS:
11 Q. What did you do with the notes that you took at
12 meetings that you attended as a representative for a
13 teacher?
14 MS. ANGELL: Objection. Vague, ambiguous and
15 overbroad. If you remember what you did with every note
16 that you ever took at every meeting that you ever
17 attended for a teacher, you can answer.
18 MS. LARKINS: I'd like to strike my question and
19 I'd like to ask this.
20 Q. What did you usually do with the notes that you
21 took at these meetings where you represented teachers?
22 MS. ANGELL: Objection, assumes facts. Would
23 you like to ask her if she had a usual practice for what
24 she did with notes?
25 MS. LARKINS: Okay. That's great.

7 (Pages 22 to 25)

<p style="text-align: right;">Page 26</p> <p>1 Q. Did you have a usual practice for what you did 2 with the notes that you took at these meetings that you 3 attended where you represented teachers? 4 A. Yes. 5 Q. Okay. What was your usual practice? 6 MS. ANGELL: What was your usual practice 7 concerning where you put the notes; is that what you 8 wanted to ask? 9 MS. LARKINS: Yes. 10 THE WITNESS: I usually put the notes in my 11 teacher bag after discussion with the teacher that I was 12 in to represent. 13 BY MS. LARKINS: 14 Q. Okay. And was that a temporary place to keep 15 them or did you leave them there permanently? 16 A. I left them there permanently for awhile. 17 Q. Okay. And about how long was that while? 18 A. It depended on the situation as to whether the 19 information was still needed or not. 20 Q. Okay. So, if it were an ongoing situation, you 21 would keep the notes longer? 22 A. Yes. 23 Q. Okay. And did there ever come a time when you 24 would throw notes away? 25 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 Code Section 432.7. And part of my proof of my charges 2 at trial will be that Robin Donlan, through her influence 3 at Castle Park School, particularly her influence over 4 Gretchen Donndelinger, caused harm to me for which I am 5 seeking compensation in this lawsuit. 6 MS. ANGELL: Mrs. Larkins, it doesn't matter. 7 Anything, what you just said, is totally irrelevant. 8 Your allegations in this litigation are that Robin Donlan 9 got access to your arrest records information and 10 disseminated that information. Whether or not Ms. Donlan 11 had any, quote, influence on other people is totally 12 irrelevant. You have no cause of action. 13 Your cause of action for wrongful termination 14 has been dismissed on demurrer. You cannot now reallege 15 that. It's finished. 16 Your cause of action -- your causes of actions 17 now are for slander against Ms. Donlan and her brother 18 or -- sorry -- conspiracy against Ms. Donlan and her 19 brother, slander against the brother, and Labor Code 20 violations. And then you have got some Doe allegations 21 about intentional infliction of emotional distress. 22 However, this continued attempt to go into wrongful 23 termination facts is inappropriate. 24 MR. HERSH: Can I add something, Ms. Angell? 25 MS. ANGELL: Please do.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And when would that be? How did you determine 2 when you would throw notes away? 3 MS. ANGELL: Do you want to strike the first 4 question? 5 MS. LARKINS: Yes. 6 THE WITNESS: When the situation had been 7 resolved. 8 MS. LARKINS: Okay. 9 MS. ANGELL: Were you finished with your answer? 10 THE WITNESS: Yes. 11 MS. ANGELL: Okay. 12 BY MS. LARKINS: 13 Q. Did you ever attend a meeting where you 14 represented Robin Donlan when Gretchen Donndelinger was 15 principal? 16 MS. ANGELL: Objection. Seeks to invade the 17 privacy rights of Robin Donlan; not reasonably calculated 18 to lead to the discovery of admissible evidence. 19 Ms. Donlan is not the plaintiff here. You do 20 not have a right to Ms. Donlan's employment records. 21 And, if you wish to seek her employment records, you can 22 do a subpoena for them. Don't answer. 23 MS. LARKINS: I want to state that Ms. Donlan is 24 a defendant in this case and that one of the actions that 25 she has been charged with is a criminal matter, Labor</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. HERSH: This is Mr. Hersh. Karen, I am the 2 attorney representing the Chula Vista Educators in this 3 case. And, on that basis, I would also like to state 4 that the plaintiff is attempting to question a union 5 representative pertaining to confidential information the 6 union member that may have shared with her in the context 7 of some sort of disciplinary meeting as she herself has 8 said. 9 On that basis, I would raise the first amendment 10 privilege and ask that the plaintiff cease and desist 11 from attempting to have the witness divulge confidential 12 information. 13 MS. LARKINS: Mr. Hersh, you are free -- well, 14 she is not your client, though, is she? I am sure 15 Ms. Angell will be happy to instruct the witness not to 16 answer a question, but that is what she needs to do. 17 If you want to make an objection of relevance, 18 that's one thing, and then Ms. Snyder can answer the 19 question. And we can ask the judge to decide if the 20 matter is relevant. Or you could instruct -- Ms. Angell 21 can instruct her client not to answer the question. But, 22 I am not retracting my question, because the fact is this 23 is a lawsuit claiming that statutes have been violated 24 and I have to prove that statutes have been violated. 25 But, another thing I have to prove when we go to trial is</p>

8 (Pages 26 to 29)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

<p style="text-align: right;">Page 30</p> <p>1 the damages that I have sustained.</p> <p>2 MR. HERSH: Well, first of all, Ms. Larkins, to</p> <p>3 the degree that you are now attempting to question</p> <p>4 Ms. Snyder as a union representative, she is my client.</p> <p>5 So, I would again ask that you cease and desist from</p> <p>6 attempting to question her concerning confidential</p> <p>7 matters that are absolutely irrelevant to the causes of</p> <p>8 action that remain in this lawsuit.</p> <p>9 MS. LARKINS: I believe I have the right to</p> <p>10 waive any confidentiality privilege I myself have as far</p> <p>11 as Ms. Snyder representing me as my union representative.</p> <p>12 So, what I would like to do is to limit my questioning to</p> <p>13 a meeting where I was present with Ms. Snyder.</p> <p>14 MR. HERSH: I have no objection to that.</p> <p>15 MS. ANGELL: And you want to ask her about</p> <p>16 information pertaining to yourself, not disciplinary</p> <p>17 matters pertaining to others; is that correct?</p> <p>18 MS. LARKINS: Yes.</p> <p>19 MS. ANGELL: Okay.</p> <p>20 MS. LARKINS: Okay.</p> <p>21 MS. ANGELL: So the prior question is withdrawn</p> <p>22 then?</p> <p>23 MS. LARKINS: Yes.</p> <p>24 Q. Do you recall a meeting with Gretchen</p> <p>25 Donndelinger that was attended by me and Maria Biers and</p>	<p style="text-align: right;">Page 32</p> <p>1 THE WITNESS: Would you repeat the question?</p> <p>2 MS. LARKINS: Yeah.</p> <p>3 Q. Did you feel that you had any obligation at that</p> <p>4 meeting to make sure that my rights were honored?</p> <p>5 MS. ANGELL: That question is not do you feel</p> <p>6 today. The question is do you remember if you felt that</p> <p>7 whenever this undated meeting was between Donndelinger,</p> <p>8 Donlan, Plaintiff, Denman, in which you were present, if</p> <p>9 you felt that you had a duty to represent Mrs. Larkins.</p> <p>10 MS. LARKINS: Excuse me, Ms. Angell, that is not</p> <p>11 the question.</p> <p>12 MS. ANGELL: Well, could you clarify it, then?</p> <p>13 Because apparently the question is too vague for me to</p> <p>14 understand.</p> <p>15 BY MS. LARKINS:</p> <p>16 Q. Let's try again. At that meeting did you feel</p> <p>17 that you had any obligation to make sure that my rights</p> <p>18 were honored?</p> <p>19 MS. ANGELL: Objection. Calls for a legal</p> <p>20 conclusion, relevance.</p> <p>21 BY MS. LARKINS:</p> <p>22 Q. You can answer.</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. As we sit here today, do you believe that</p> <p>25 you had any obligation to make sure that my rights were</p>
<p style="text-align: right;">Page 31</p> <p>1 Richard Denman and Robin Donlan and you?</p> <p>2 A. Yes.</p> <p>3 Q. At that meeting did you act as a union</p> <p>4 representative?</p> <p>5 A. Yes.</p> <p>6 Q. And was I a union member at that time?</p> <p>7 A. Yes.</p> <p>8 Q. And did you have any obligation toward me at</p> <p>9 that meeting?</p> <p>10 MS. ANGELL: Objection. Calls for a legal</p> <p>11 conclusion. Vague and ambiguous as to "any obligation."</p> <p>12 This witness has not been qualified as being -- as an</p> <p>13 expert to give testimony concerning legal obligations of</p> <p>14 union representatives.</p> <p>15 MS. LARKINS: Let me ask it a different way.</p> <p>16 Strike my original question.</p> <p>17 Q. Did you feel you had any obligation to make</p> <p>18 certain that my rights were honored at that meeting?</p> <p>19 MS. ANGELL: Objection, relevance. Do you</p> <p>20 want to start with asking her who she was representing,</p> <p>21 if she knows who she was representing?</p> <p>22 MS. LARKINS: I would like her to answer that</p> <p>23 question. Do you want to instruct her not to answer it?</p> <p>24 MS. ANGELL: It's not relevant. If you</p> <p>25 remember what you felt like.</p>	<p style="text-align: right;">Page 33</p> <p>1 not violated.</p> <p>2 MS. ANGELL: Objection. Incomplete</p> <p>3 hypothetical, vague and ambiguous, lacks relevance, not</p> <p>4 qualified as an expert.</p> <p>5 BY MS. LARKINS:</p> <p>6 Q. Can you answer it?</p> <p>7 MS. ANGELL: If you know what she is talking</p> <p>8 about, try and answer.</p> <p>9 THE WITNESS: Would you clarify?</p> <p>10 BY MS. LARKINS:</p> <p>11 Q. Okay. One of the things you need to do here is</p> <p>12 you have to kind of remember the question during</p> <p>13 Ms. Angell's objections. And sometimes they get kind of</p> <p>14 long, so you kind of have to keep the question in your</p> <p>15 head.</p> <p>16 MS. ANGELL: The court reporter could read back</p> <p>17 the question. That way you wouldn't have to restate it.</p> <p>18 MS. LARKINS: Ms. Angell, I am happy to</p> <p>19 stipulate that the objection that you just made will</p> <p>20 apply to this next question, which I am going to make</p> <p>21 right now.</p> <p>22 MS. ANGELL: I can't stipulate to your -- to any</p> <p>23 kind of standing objection concerning vague and ambiguous</p> <p>24 when it calls for legal conclusions, that kind of</p> <p>25 thing --</p>

9 (Pages 30 to 33)

<p style="text-align: right;">Page 34</p> <p>1 MS. LARKINS: Okay.</p> <p>2 MS. ANGELL: -- because, quite frankly, your</p> <p>3 questioning will get completely way more out of hand than</p> <p>4 it already is. So, because what's so important for all</p> <p>5 witnesses to do is to respond to the question that's</p> <p>6 being asked of them and to make sure they understand the</p> <p>7 question, when the question is so vague and ambiguous</p> <p>8 that I don't understand it or it calls for a legal</p> <p>9 conclusion that they can't possibly answer because they</p> <p>10 are not a qualified legal expert or other type of maybe</p> <p>11 medical expert, I need to be able to make that objection.</p> <p>12 So, that's why I can't stipulate to a running objection</p> <p>13 on all those bases.</p> <p>14 MS. LARKINS: Okay. Then if you can't remember</p> <p>15 it this time, we will have the court reporter read it to</p> <p>16 you.</p> <p>17 MS. ANGELL: So you have stricken the prior</p> <p>18 question? You're doing a new one now; is that correct?</p> <p>19 MS. LARKINS: Yes.</p> <p>20 Q. Okay. As you sit here today, do you feel that</p> <p>21 you had an obligation to make sure that my rights were</p> <p>22 not violated at that meeting that we have been talking</p> <p>23 about?</p> <p>24 MS. ANGELL: Same objections.</p> <p>25 THE WITNESS: (Witness shakes head.) I don't.</p>	<p style="text-align: right;">Page 36</p> <p>1 the word "represent."</p> <p>2 MS. ANGELL: Can we have the question back,</p> <p>3 please?</p> <p>4 THE REPORTER: "What I am asking you now is</p> <p>5 do you at this moment feel that you had an obligation</p> <p>6 then."</p> <p>7 MS. ANGELL: To do what? Vague and ambiguous.</p> <p>8 What was she obliged to do? She can't answer that</p> <p>9 question.</p> <p>10 MS. LARKINS: Okay. Let me try again. Let's</p> <p>11 strike all preceding questions.</p> <p>12 Q. As you sit here today, do you feel that you had</p> <p>13 an obligation at that time during the meeting at which</p> <p>14 you and I and Dr. Donndelinger were present to make sure</p> <p>15 that my rights weren't violated?</p> <p>16 MS. ANGELL: Same objections.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 BY MS. LARKINS:</p> <p>19 Q. Okay. I am not asking you to recall anything.</p> <p>20 I am asking you what you believe right now.</p> <p>21 MS. ANGELL: If you don't understand the</p> <p>22 question and can't answer it on that basis, just say so</p> <p>23 so she knows and we will move on to something. If you</p> <p>24 can answer, if you have knowledge, then give her the</p> <p>25 answer.</p>
<p style="text-align: right;">Page 35</p> <p>1 BY MS. LARKINS:</p> <p>2 Q. You don't feel that you had any obligation?</p> <p>3 A. I don't recall from --</p> <p>4 Q. Oh.</p> <p>5 A. -- that time --</p> <p>6 Q. Okay.</p> <p>7 A. -- to now.</p> <p>8 Q. That's not what I am asking you. We already did</p> <p>9 that one. What I am asking you now is do you at this</p> <p>10 moment feel that you had an obligation then.</p> <p>11 MS. ANGELL: Vague and ambiguous. This witness</p> <p>12 can't answer. Part of the way that witnesses get into</p> <p>13 trouble in depositions is that they try and guess what</p> <p>14 the questioning person is trying to ask.</p> <p>15 Mrs. Snyder has no way of knowing what you mean</p> <p>16 by "give representation to." If you would like to be</p> <p>17 specific as to a particular act that you think</p> <p>18 Mrs. Snyder should have done and ask her whether she did</p> <p>19 it, that might be one way to be specific enough so that</p> <p>20 she could answer the question. But, with your question</p> <p>21 being so vague and ambiguous, she can't read your mind</p> <p>22 and respond to whatever you're trying to ask her.</p> <p>23 BY MS. LARKINS:</p> <p>24 Q. Once again, you have substituted the word</p> <p>25 "represent" for things that I have said. I did not use</p>	<p style="text-align: right;">Page 37</p> <p>1 THE WITNESS: The way that it was asked sounded</p> <p>2 to me like you were still asking about the past. And I</p> <p>3 don't recall.</p> <p>4 MS. LARKINS: Okay.</p> <p>5 THE WITNESS: That's why I did not ask for</p> <p>6 clarification.</p> <p>7 BY MS. LARKINS:</p> <p>8 Q. Okay. Did you take notes at the meeting where</p> <p>9 you and I and Robin Donlan and Gretchen Donndelinger and</p> <p>10 others were present?</p> <p>11 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>12 Can I just ask a real quick question? I think this can</p> <p>13 avoid some future objections from me. Do you mind?</p> <p>14 The question is do you recall, Ms. Snyder,</p> <p>15 attending more than one meeting between Dr. Donndelinger,</p> <p>16 Robin Donlan, Plaintiff and Mr. Denman which you attended</p> <p>17 or was there only the one that you can recall right now?</p> <p>18 THE WITNESS: There is only the one that I can</p> <p>19 recall.</p> <p>20 MS. ANGELL: Okay. So we will understand that</p> <p>21 you're discussing this one meeting. Do you recall at</p> <p>22 approximately the point in time at which this meeting</p> <p>23 occurred, even a school year that the meeting occurred</p> <p>24 in?</p> <p>25 THE WITNESS: No.</p>

10 (Pages 34 to 37)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 38

1 MS. ANGELL: Okay. Thank you.
2 BY MS. LARKINS:
3 Q. Okay. Did you take notes at this meeting that
4 we have been talking about?
5 A. Yes.
6 Q. Okay. Do you still have those notes?
7 A. No.
8 Q. Do you assume that you must have thrown them
9 away?
10 A. Yes.
11 Q. Are you sure that you threw them away?
12 A. Yes.
13 Q. Okay. Why did you throw them away?
14 A. I threw them away after several months had
15 passed and discussion of that meeting was over.
16 Q. Okay. Can you tell me what happened at that
17 meeting?
18 A. I remember taking notes. That's all I recall.
19 Q. Okay. Were you a representative for Castle Park
20 to Chula Vista Educators when Gina Boyd was president of
21 Chula Vista Educators?
22 A. Yes.
23 MS. LARKINS: Okay. You know, I never did ask
24 the questions about the bilingual. And, if you want to
25 instruct your client not to answer this question, that's

Page 39

1 fine. But I want to make sure that I ask it.
2 Q. Did you note that there was hostility on the
3 part of some teachers toward the idea of having a
4 bilingual program at Castle Park?
5 MS. ANGELL: Objection. Vague and ambiguous as
6 to time, not relevant.
7 BY MS. LARKINS:
8 Q. During staff meetings that were discussing the
9 possibility of the program coming to Castle Park?
10 MS. ANGELL: Objection. Vague and ambiguous as
11 to time, not relevant.
12 THE WITNESS: I don't recall.
13 BY MS. LARKINS:
14 Q. Do you recall that the discussion was very
15 pleasant and harmonious?
16 A. I don't recall.
17 Q. Okay. Do you remember a teacher named Heather
18 Smith?
19 A. Yes.
20 Q. Did you have any personal acquaintance with her?
21 A. Yes.
22 Q. Okay. Was she your friend?
23 A. Yes.
24 Q. Did you ever represent her in any meetings with
25 the principal?

Page 40

1 MS. ANGELL: Objection as to Ms. Smith's right
2 to privacy in her employment records, particularly any
3 disciplinary matters. She is not here. To my knowledge,
4 there is no waiver of her right to privacy concerning her
5 own personnel records.
6 MR. HERSH: And my same objections with regard
7 to confidential internal union communications between a
8 member seeking representation and a union representative.
9 MS. LARKINS: I don't believe that you have any
10 privilege to hide criminal actions. I don't believe that
11 you can rely on this sort of union privilege when there
12 were discussions of a crime going on in any of these.
13 MR. HERSH: Are you saying that you believe that
14 Heather was abetting a crime in her conversation with her
15 union representative?
16 MS. LARKINS: No. I'm saying that you're trying
17 to use this union privilege very broadly in preventing me
18 from finding out events at Castle Park Elementary School.
19 And I am telling you that Gina Boyd and Tim O'Neill and
20 CVE have been accused of criminal activity. And I think
21 it's preposterous of you to try to use this union
22 confidentiality idea --
23 MR. HERSH: Sure. Are you done?
24 MS. LARKINS: -- to prevent knowledge of a crime
25 being exposed.

Page 41

1 MR. HERSH: Sure. First of all, Ms. Larkins, I
2 have no objection to questions that you're asking the
3 witness about events at Castle Park. My only objection
4 here is you're asking her about confidential discussions
5 between someone who suffered apparently, according to
6 you, some sort of discipline with her union
7 representative and that's my objection.
8 I don't care about you asking her about events
9 at Castle Park, although Ms. Angell might. But, you
10 know, the fact that you want to make allegations that
11 people are engaged in criminal conduct, as you freely do,
12 doesn't give you the right to interfere with other
13 people's constitutional rights and the confidential
14 nature of their personnel matters and their
15 representational matters.
16 You don't get a carte blanche just because you
17 file a lawsuit to screw with other people's lives and
18 that's what you're doing here and I object to it.
19 MS. LARKINS: Well, I think that that's fine and
20 I think it will be good to bring this to the attention of
21 the judge and have the judge decide if conversations that
22 involved union representation should be privileged when
23 we are trying to ferret out criminal activity here. And,
24 as I have said before, it's fine with me if you object
25 and then have the witness answer the question. It's also

11 (Pages 38 to 41)

<p style="text-align: right;">Page 42</p> <p>1 fine with me if you instruct the witness not to answer. 2 MR. HERSH: Well, I will instruct the witness 3 not to answer questions pertaining to the confidential 4 communications, if they were confidential. I don't know. 5 MS. LARKINS: Is she your -- 6 MR. HERSH: Ms. Snyder, if these were, indeed -- 7 if she is asking you about matters that -- about 8 conversations of employees with the District who spoke to 9 you believing that they were speaking in confidence, then 10 I would instruct you not to answer these questions. 11 But, Ms. Larkins, I have no problem with you 12 asking the witness about her knowledge of any unlawful 13 acts. If you want to ask her if she knows anything about 14 criminal justice records information or, you know, 15 allegations that you have raised concerning what 16 people -- you know, information they may have gotten from 17 such records, that's fine. But you're -- you're asking 18 her questions that are completely irrelevant and have, 19 you know, no basis in law. So, you know, that's -- it's 20 just ridiculous. 21 MS. LARKINS: Well, I think it's ridiculous when 22 the president of a union, the executive director of a 23 union, the union itself, and a couple of union members 24 have been accused of working together in various 25 groupings to commit a crime to say that any time union</p>	<p style="text-align: right;">Page 44</p> <p>1 apparently is. You're not accusing her of having 2 participated in some unlawful act, are you? 3 MS. LARKINS: She is a fellow victim. She is 4 the other bilingual teacher that was dismissed by the 5 School District. 6 MS. ANGELL: Who is "she"? 7 MR. HERSH: Well, maybe -- has she authorized 8 you to divulge her confidential information? 9 MS. LARKINS: I am conducting an investigation 10 about criminal activity. 11 MR. HERSH: You are conducting a deposition in a 12 superior court case. You are not conducting an 13 investigation. You are conducting a deposition under the 14 order of the Court and you are limited by the rules of 15 discovery. 16 MS. LARKINS: The judge is the one who decides 17 whether a question is relevant or not. So, until we talk 18 to the judge, how about we do it -- you make objections; 19 she answers; or you instruct her not to answer. And 20 let's get back to the business, because I had really 21 hoped to have this be a short deposition, but it's 22 already 2:00 o'clock and we have hardly gotten anywhere 23 yet. 24 MS. ANGELL: There has already been an 25 instruction by Mr. Hersh to this witness not to respond</p>
<p style="text-align: right;">Page 43</p> <p>1 members are talking together that it has to be kept 2 secret. I assure you, Mr. Hersh, if you want to say that 3 any conversation, when the participants thought that it 4 was going to be confidential, cannot be discussed here 5 today, that will certainly preclude them from discussing 6 conversations where crimes were being talked about, 7 because -- 8 MR. HERSH: (Inaudible.) 9 MS. LARKINS: Excuse me. Excuse me, Mr. Hersh, 10 I am not finished. 11 I am certain that any time crimes were discussed 12 by any of these people I have mentioned that they 13 expected complete confidentiality. And you certainly 14 have given them every reason to think that CTA all the 15 way up to president Barbara Kerr is going to work very 16 hard to make sure that no one ever finds out what was 17 discussed by these individuals. 18 MR. HERSH: If I may, first of all, I already 19 said to you, if you want to ask questions concerning this 20 witness's knowledge of criminal actions, I am not going 21 to object. So, if you believe those criminal matters 22 were discussed, I am going to allow you to ask those 23 questions. 24 I am not going to allow you to ask questions of 25 this witness concerning an innocent person who this women</p>	<p style="text-align: right;">Page 45</p> <p>1 for union-related matters. I have instructed the witness 2 that she is not to discuss disciplinary matters where she 3 attended as the union rep, if there were disciplinary 4 matters actually at issue. And I would like to ask 5 whether you are claiming that you are representing 6 Heather Smith. 7 MS. LARKINS: I am not the deponent, Ms. Angell. 8 MS. ANGELL: Well, you just said that you're 9 conducting an investigation and that Heather Smith is the 10 other injured party. Do you claim that you're 11 representing Heather Smith? 12 MS. LARKINS: That still doesn't make me the 13 deponent, Ms. Angell. 14 MS. ANGELL: I didn't say that you were. Do you 15 claim that you're representing Heather Smith? Because 16 you're asking questions about Heather Smith's personnel 17 information and you're purporting that she was dismissed. 18 Do you have evidence to put in front of this 19 witness concerning whether or not Ms. Smith was 20 dismissed? 21 MS. LARKINS: Ms. Angell, I am going to allow 22 you to depose me on November 11th. I am not going to 23 allow you to depose me today. 24 MR. HERSH: May I say something? I just wanted 25 to clarify. What Ms. Angell said isn't about my</p>

12 (Pages 42 to 45)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 46

1 objection. And my instruction to the witness is a little
2 broader than what I intended. I am simply instructing
3 the witness not to answer questions concerning
4 communications from union members that were intended to
5 be confidential. And even in that I would allow
6 questions concerning communications concerning unlawful
7 activity to be asked.
8 In other words, if you want to ask Ms. Snyder if
9 Gina Boyd ever said to her that she had some access to
10 criminal justice information, I wouldn't consider that an
11 improper question in this case --
12 MS. LARKINS: I would.
13 MR. HERSH: -- even if they intended it to be
14 confidential. So I am allowing you to ask questions
15 that, even though confidential, where any sort of
16 criminal matter would be, you know, related to your
17 allegations in this lawsuit, but I -- well, I think I
18 have clarified it.
19 MS. LARKINS: Okay. I have two questions.
20 First of all, let me just tell you that asking simple,
21 direct questions like the ones you're suggesting is going
22 to get me nowhere. There have been so many evidences of
23 perjury so far in this case I am not going to get
24 anywhere. What am I going to do, ask her, "Did Robin
25 Donlan ever show you any arrest records of mine?" She is

Page 47

1 just going to say no. There is no point in doing that.
2 I need to get this information by asking
3 questions about events which reflect back to causes which
4 are not being admitted, but you get enough events which
5 point back to an inescapable conclusion of what was
6 causing all these bizarre events to occur. That is how I
7 am planning to prove my case at trial.
8 My other comment is actually more of a question.
9 I am a little concerned or confused, rather. What are
10 you -- are you representing Ms. Snyder, also?
11 MR. HERSH: I had no idea until a few minutes
12 ago that you were intending to question Ms. Snyder as a
13 union representative. I assumed that you were going to
14 question her as a witness to actual matters that are
15 relevant to this proceeding.
16 MS. LARKINS: Well, that's fine and good, but
17 could you answer my question? Are you representing
18 Ms. Snyder?
19 MS. ANGELL: Why should he answer your question
20 when you wouldn't answer my question as to whether you
21 were purporting to represent Heather Smith?
22 MS. LARKINS: I am not a lawyer.
23 MR. HERSH: I will answer that question.
24 MS. ANGELL: No kidding.
25 MR. HERSH: Yes. If she was acting as a

Page 48

1 representative of the Chula Vista Educators and you're
2 questioning her concerning her actions as a
3 representative of the Chula Vista Educators, yes, I am
4 representing her as regards her actions as a Chula Vista
5 representative.
6 MS. LARKINS: Okay.
7 Q. And I need to ask you this. Is Mr. Hersh
8 representing you at this deposition?
9 A. Yes.
10 Q. Okay. Fine. All right. I think we will leave
11 the bilingual thing. It seems that you have developed
12 some memory problems regarding that.
13 MS. ANGELL: Objection. Move to strike.
14 Argumentative. Ms. Larkins, if you can't control
15 yourself concerning abusing this witness, we are not
16 going to stay. So, if you can confine your commentary,
17 we would be happy to proceed, but otherwise we will go.
18 MS. LARKINS: Okay.
19 Q. During the 2003/2004 year at Castle Park were
20 you a union rep?
21 A. No.
22 Q. Who was the union rep during that year?
23 A. Peggy Meyers.
24 Q. Okay. And can you tell me anyone else at Castle
25 Park who was a union rep since -- well, let's just say in

Page 49

1 the last few years, the last 10 years or so.
2 MS. ANGELL: Objection. Vague and ambiguous as
3 to time. Do you want to limit it to five years? Ten
4 years?
5 MS. LARKINS: Well, I want to limit it to
6 whatever she feels comfortable with.
7 MS. ANGELL: Well, then why don't you tell her
8 the time period that you're discussing as part of your
9 answer?
10 THE WITNESS: The time period that I remember is
11 myself and Maria Biers and Peggy Meyers.
12 MS. LARKINS: Okay. Thank you.
13 Q. Okay. Do you remember a program at Castle Park
14 called Kingdoms?
15 A. Yes.
16 Q. Could you tell me a little bit about that
17 program, what you remember of it?
18 MS. ANGELL: Objection. Vague and ambiguous.
19 Are you asking her for a description of what the program
20 was, its time frame, what its purpose was, how it was
21 implemented?
22 MS. LARKINS: Thank you. That's perfect.
23 Strike the previous question.
24 Q. What was the purpose of the Kingdoms program?
25 A. For children to work with other children of

13 (Pages 46 to 49)

<p style="text-align: right;">Page 50</p> <p>1 different ages at the school and to bring -- to bring 2 groups closer together, the opportunity to work with 3 different teachers while working on values. 4 Q. Okay. And were there conflicts between teachers 5 at Castle Park Elementary about whether or not to 6 implement this program? 7 MS. ANGELL: Vague and ambiguous as to time. 8 Vague and ambiguous as to "conflicts." 9 BY MS. LARKINS: 10 Q. Can you answer? 11 A. Yes. 12 Q. Okay. What were those conflicts? 13 A. I don't recall. 14 Q. Okay. Was it that some people wanted Kingdoms 15 and others didn't? 16 A. Yes. 17 Q. Okay. Were you one of the people who didn't 18 want it? 19 A. Yes. 20 Q. Was Peggy Meyers one of the people who didn't 21 want it? 22 A. I don't recall. 23 Q. Okay. Do you recall that the staff voted on 24 whether or not to have Kingdoms? 25 A. I don't recall.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Can you tell me the purpose of that program? 2 A. I don't recall. 3 Q. Did it have to do with every person having a 4 voice? 5 MS. ANGELL: Objection. Vague and ambiguous. I 6 don't understand the question. 7 MS. LARKINS: Okay. 8 Q. Was one of the tenets of the Comer belief system 9 that every individual should have a voice in decision- 10 making? 11 A. I don't remember. 12 Q. Okay. Do you recall that consensus was one of 13 the tenets of the Comer program? 14 A. Yes. 15 Q. Okay. And do you recall what consensus was? 16 What did consensus mean as far as the Comer program went? 17 A. I will answer as much as I remember. Consensus 18 meant that it was no longer a hand vote of individuals 19 and that we needed to decide as a group, even if we 20 weren't in favor of it, as to whether we could live with 21 that decision that was made. And we tried to get 22 everyone to be able to live with the decision that was 23 made. 24 Q. Okay. Do you recall a time when I was taken out 25 of my classroom and placed on administrative leave?</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Do you recall that the organization or committee 2 which is often called the School Site Council, but at 3 that time was called the Staff Parent Management Team, 4 made a decision about Kingdoms? 5 A. Would you clarify? 6 Q. Do you remember when -- okay. Strike the 7 previous question. 8 Do you remember when the SPMT decided that 9 Castle Park would have Kingdoms? 10 MS. ANGELL: Objection. Vague and ambiguous as 11 to SPMT; assumes facts. 12 BY MS. LARKINS: 13 Q. Can you answer it? 14 A. Yes. 15 Q. You do recall that? 16 A. Yes. 17 Q. Okay. And do you recall what their decision 18 was? I am sorry. Maybe I already said that. Okay. I 19 believe we did. I think I said that in my question. I 20 said do you recall when they decided that we would have 21 them. Okay. 22 Do you recall a program that was implemented 23 temporarily at Castle Park that was called the Comer 24 Program? 25 A. Yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No. 2 Q. Okay. Do you recall a time when I -- strike 3 that. 4 Do you recall a time in April of 2001 when 5 Dr. Donndelinger held a staff meeting on a Saturday 6 afternoon -- Saturday -- on a Friday afternoon and said 7 Maura Larkins will be coming back to work? 8 A. Yes. 9 Q. Okay. At that time at that meeting did you 10 express concern because Sandra Ornellis had worked so 11 hard on open house? 12 MS. ANGELL: Objection. Vague and ambiguous. 13 Express concern about what? I don't understand the 14 question. 15 MS. LARKINS: Can you answer it? 16 MS. ANGELL: Do you understand the question? 17 THE WITNESS: Yes. And the answer is no. 18 BY MS. LARKINS: 19 Q. You did not express concern about Sandra? 20 A. I don't remember expressing concern. 21 Q. Okay. 22 MS. ANGELL: I don't understand. Concern about 23 what? What are you talking about? 24 THE WITNESS: Your question was about Sandra 25 putting so much time into open house and did I state that</p>

14 (Pages 50 to 53)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

<p style="text-align: right;">Page 54</p> <p>1 that was a concern of mine?</p> <p>2 MS. LARKINS: Uh-huh. Uh-huh.</p> <p>3 THE WITNESS: And I don't remember ever saying</p> <p>4 that.</p> <p>5 MS. LARKINS: Okay.</p> <p>6 MS. ANGELL: Thank you.</p> <p>7 BY MS. LARKINS:</p> <p>8 Q. Do you recall a time when I did come back to</p> <p>9 work after that meeting that we were just discussing,</p> <p>10 that Friday afternoon meeting?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you recall teachers coming to you and</p> <p>13 expressing concern about my returning to work?</p> <p>14 A. No. I don't remember.</p> <p>15 Q. Do you recall telling Gretchen Donndelinger that</p> <p>16 teachers felt that they were walking on egg shells</p> <p>17 because I had come back to work?</p> <p>18 A. No, I don't recall that.</p> <p>19 Q. Were you at all concerned that I was coming back</p> <p>20 to work?</p> <p>21 A. No. I don't recall.</p> <p>22 Q. Have you and I ever had any conflict?</p> <p>23 A. No, not that I am aware of.</p> <p>24 Q. Have you ever -- have you and I ever spoken any</p> <p>25 negative words to each other?</p>	<p style="text-align: right;">Page 56</p> <p>1 teacher was coming back to work?</p> <p>2 A. I don't remember. I don't remember the meeting.</p> <p>3 I remember -- I remember the meeting, but I don't</p> <p>4 remember anything about the meeting other than we were</p> <p>5 told you were coming back. That is all I remember about</p> <p>6 that meeting.</p> <p>7 Q. Okay. How many meetings have you attended in</p> <p>8 your 20-some years at Castle Park where the meeting was</p> <p>9 held for the sole purpose of announcing that a teacher</p> <p>10 would be coming back to work?</p> <p>11 A. One.</p> <p>12 Q. Okay. Do you recall about how long I worked</p> <p>13 when I came back to work after that meeting?</p> <p>14 A. No, I don't recall.</p> <p>15 Q. If a teacher came to you and said they were</p> <p>16 afraid that another teacher had a gun, would you remember</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. Did any teachers come to you when I came back to</p> <p>20 work at Castle Park and say that they were afraid I had a</p> <p>21 gun?</p> <p>22 A. No.</p> <p>23 Q. Did you notice that I stopped working at Castle</p> <p>24 Park during the school year of 2000/2001?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Not that I remember.</p> <p>2 Q. When Gretchen announced that I was returning to</p> <p>3 work, what was your understanding of why I had been taken</p> <p>4 out?</p> <p>5 MS. ANGELL: Objection. Assumes facts not in</p> <p>6 evidence, claiming that she had an understanding of why</p> <p>7 you were not working, also claiming that she understood</p> <p>8 that you had, quote, been taken out of your classroom.</p> <p>9 There is no testimony on that.</p> <p>10 MS. LARKINS: Okay.</p> <p>11 Q. Let's go back to the meeting. Does April 6th,</p> <p>12 2001 sound about right for that Friday afternoon meeting</p> <p>13 when Gretchen announced I would be returning to work?</p> <p>14 A. I don't recall. I'm sorry.</p> <p>15 Q. Okay. Did some people at that meeting express</p> <p>16 concern about my returning to work?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did Gretchen Donndelinger say that there would</p> <p>19 be some kind of mediation available to teachers who were</p> <p>20 concerned about my coming back to work and that they</p> <p>21 should come up to her after the meeting and give her</p> <p>22 their names?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. Did this seem strange to you that there</p> <p>25 would be meeting on a Friday afternoon to announce that a</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Did you ever ask anybody what happened to me?</p> <p>2 A. No.</p> <p>3 Q. Did you know -- did anybody tell you what</p> <p>4 happened to me?</p> <p>5 MS. ANGELL: Objection. Seeks to invade</p> <p>6 attorney-client privilege, attorney work product. So, if</p> <p>7 you would like to restrict it to --</p> <p>8 MS. LARKINS: Yes. Okay.</p> <p>9 MS. ANGELL: So, nothing that you have gotten</p> <p>10 from counsel.</p> <p>11 BY MS. LARKINS:</p> <p>12 Q. Did anyone -- actually, I want to restrict this</p> <p>13 to 2000 -- I want to restrict this to a time before any</p> <p>14 attorneys were involved in this case, except perhaps</p> <p>15 mine. Between the time you noticed that I had stopped</p> <p>16 working during the 2000/2001 school year and the end of</p> <p>17 the school year, did anyone ever tell you why I wasn't</p> <p>18 working?</p> <p>19 MS. ANGELL: You mean the end of the 2000 -- you</p> <p>20 mean by June of 2001?</p> <p>21 MS. LARKINS: Yes.</p> <p>22 THE WITNESS: No. No one had ever told me</p> <p>23 anything.</p> <p>24 BY MS. LARKINS:</p> <p>25 Q. Okay. In your 20-some years at Castle Park, how</p>

15 (Pages 54 to 57)

<p style="text-align: right;">Page 58</p> <p>1 many teachers have suddenly quit working in the middle of 2 the school year and you never knew what happened to them? 3 A. None. 4 Q. Except me. 5 MS. ANGELL: Objection. That's not her 6 testimony. 7 MS. LARKINS: Okay. 8 MS. ANGELL: Misstates the testimony. 9 MS. LARKINS: Right. You're correct. 10 Q. How many teachers stopped working in the middle 11 of the year of teachers who were working at Castle Park 12 Elementary School during the time you taught there and 13 nobody told you for months why they had disappeared? 14 A. Could you clarify it? 15 Q. Okay. I'm going to try to make it quicker, 16 because it's so long you forget the beginning by the time 17 you get to the end. 18 How many cases have there been similar to mine 19 at Castle Park where a teacher suddenly stopped working 20 and no one told you for months why they weren't working 21 any more? 22 A. Other than yourself? 23 Q. Yeah. 24 A. Zero. 25 Q. Okay. Did you have any feeling of thinking that</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Do you think that teachers should be removed 2 from their classrooms and not be told why? 3 A. No. 4 Q. Would you feel it's your duty as a union rep to 5 object, if a teacher is taken out of her class and not 6 told why? 7 A. As a union rep? 8 MS. ANGELL: Objection. Calls for a legal 9 conclusion, vague and ambiguous, incomplete hypothetical. 10 MS. LARKINS: Okay. 11 MS. ANGELL: Calling for an expert conclusion. 12 BY MS. LARKINS: 13 Q. Did you rule out as a possibility in your mind 14 when I stopped working at Castle Park Elementary School 15 that I might have been taken out of my classroom and been 16 banned from talking to anyone or setting foot on the 17 school grounds and not having been told why? 18 MS. ANGELL: Vague and ambiguous. I don't even 19 understand that question. Can we get it read back? 20 MS. LARKINS: It's a little long. 21 MS. ANGELL: Is it stricken or should we read it 22 back? 23 MS. LARKINS: Let's strike it. 24 Q. Let me see how I can ask it quicker. Were you 25 confident when I stopped working at Castle Park in 2001</p>
<p style="text-align: right;">Page 59</p> <p>1 I might have died? 2 A. No. 3 Q. What made you confident that I hadn't died? 4 MS. ANGELL: Objection. Misstates the 5 testimony. She didn't say she was confident you hadn't 6 died. 7 BY MS. LARKINS: 8 Q. What made you think I hadn't died? 9 A. We used to put passings or illnesses of people 10 on the white board in the teachers' lounge, e-mails from 11 the District or handwritten if anyone was ill or had 12 passed away. And nothing was ever on there to that 13 effect. 14 Q. Okay. So would it be correct to say that you 15 didn't think I was ill? 16 MS. ANGELL: Objection. Vague and ambiguous. 17 Do you mean that she didn't think, based upon any 18 information given to her by School District personnel 19 that you were ill or -- 20 MS. LARKINS: Let me misstate. 21 MS. ANGELL: So the former question is stricken? 22 MS. LARKINS: Yes. 23 Q. Did you think that I had stopped working because 24 I was ill? 25 A. No.</p>	<p style="text-align: right;">Page 61</p> <p>1 that my rights hadn't been violated? 2 MS. ANGELL: Objection. Calls for a legal 3 conclusion. Calls for a legal conclusion as of 2001. 4 BY MS. LARKINS: 5 Q. Okay. Did you care, in 2001, whether or not my 6 rights had been violated? 7 MS. ANGELL: Renewing the stipulation, just 8 keeping in mind the stipulation on relevance is still in 9 effect on all these questions. 10 BY MS. LARKINS: 11 Q. Okay. You can answer. 12 A. I didn't know. Therefore, I didn't -- wasn't 13 able to have an opinion either way. 14 Q. And you weren't interested enough to find out? 15 MS. ANGELL: Objection. Argumentative. You 16 don't need to answer that. 17 BY MS. LARKINS: 18 Q. Did you ever -- 19 MS. ANGELL: Is the question withdrawn? 20 MS. LARKINS: Yes. 21 Q. Did you ever think that my situation should be 22 investigated? 23 A. What do you mean? Can you clarify? 24 Q. No. I am going to just let that one -- strike 25 that one.</p>

16 (Pages 58 to 61)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 62

1 Okay. Can you tell me who were your closest
2 friends at Castle Park Elementary School?
3 MS. ANGELL: Vague and ambiguous as to time.
4 MS. LARKINS: Thank you.
5 Q. Can you tell me who were your closest friends at
6 Castle Park Elementary School for the last 10 years or
7 so?
8 MS. ANGELL: Objection. Overbroad.
9 BY MS. LARKINS:
10 Q. You can answer.
11 MS. ANGELL: You want to know every person that
12 she was friends with that worked at Castle Park for a
13 10-year period? Could you not be more specific than
14 that?
15 MS. LARKINS: I think I used the word "closest
16 friends," not every. Closest not every.
17 MS. ANGELL: You mean the five closest
18 acquaintances, friends that she had for each school year?
19 Do you mean her top five friends for that -- you know,
20 collectively for that entire 10-year period? You just
21 want five names? What are you looking for?
22 BY MS. LARKINS:
23 Q. Did you have a best friend at Castle Park
24 Elementary School during the last 10 years?
25 MS. ANGELL: You mean at any one single point in

Page 63

1 time during the last 10 years?
2 MS. LARKINS: Yeah.
3 THE WITNESS: At any one single point?
4 MS. LARKINS: Yeah.
5 THE WITNESS: Yes.
6 BY MS. LARKINS:
7 Q. Okay. Who would that person be?
8 A. Peggy Meyers.
9 MS. ANGELL: At which point in time? Throughout
10 the 10-year period?
11 THE WITNESS: Over the last five years.
12 BY MS. LARKINS:
13 Q. Okay. And before Peggy Meyers became your
14 closest friend at Castle Park during the five years
15 previous did you have one person that you would say was
16 your closest friend then?
17 MS. ANGELL: You mean her closest friend out of
18 all the employees? Sorry. I can't even speak right.
19 MS. LARKINS: Yes, at Castle Park.
20 MS. ANGELL: At Castle Park.
21 THE WITNESS: That's why I didn't answer. I
22 would say Robin Donlan, because I team taught with her.
23 BY MS. LARKINS:
24 Q. Uh-huh. Okay. Was Gina Boyd ever a friend of
25 yours, not necessarily real close, but was she a friend

Page 64

1 of yours at Castle Park?
2 A. No.
3 Q. No? Did you have some conflict with Gina Boyd?
4 A. No.
5 Q. Okay. Who would you say was closest to Gina
6 Boyd at Castle Park?
7 MS. ANGELL: If you know.
8 THE WITNESS: I don't recall.
9 MS. LARKINS: Okay.
10 Q. I'd like to take a break, because I need to make
11 a copy of a document. Is that all right with you?
12 MS. ANGELL: Fine with me.
13 VIDEOGRAPHER: We are going off the record. The
14 time is 2:32 p.m.
15 (A recess was taken from 2:32 to 2:46 p.m.)
16 (Exhibits 1 through 3 were marked.)
17 VIDEOGRAPHER: We are going on the record. The
18 time is 2:46 p.m.
19 MS. LARKINS: Okay. I would --
20 THE WITNESS: Before -- sorry to interrupt.
21 MS. LARKINS: Okay.
22 THE WITNESS: Before we continue, I'd like to go
23 back to some previous testimony regarding best friends,
24 because I -- I think I answered a question incorrectly.
25 You were asking about my best friends, Peggy Meyers, and

Page 65

1 then I said Robin Donlan. And then you asked me was Gina
2 Boyd a friend. And I was thinking best friend so I
3 answered no, but Gina Boyd was a friend at Castle Park
4 when she taught there.
5 MS. LARKINS: Okay. Thank you. I'd like to
6 ask that this document be labeled Exhibit No. 1.
7 Q. Ms. Snyder, in my administrative hearing the
8 District put some documents into evidence and a good
9 number of them were notes written by Gretchen
10 Donndelinger.
11 A. Could I have a moment to read this?
12 Q. Sure. Sure.
13 A. I would appreciate that. Thank you.
14 MS. LARKINS: Take your time.
15 MS. ANGELL: And I am going to object to
16 Plaintiff's testifying. If you have a question to ask
17 this witness concerning this document, such as have you
18 seen this, do you know what that is, that would be
19 appropriate, but I am going to move to strike your
20 comments, because this is not your opportunity to
21 testify.
22 MS. LARKINS: Before we talk about this --
23 THE WITNESS: Is there more to it?
24 MS. LARKINS: Yeah. I'd like to put this
25 document labeled Exhibit 2 -- I mean, I don't put it into

17 (Pages 62 to 65)

Page 66	Page 68
<p>1 evidence. I'd like to ask that this be labeled 2.</p> <p>2 Q. After having read these documents, does this --</p> <p>3 do these quotes written down here remind you of a meeting</p> <p>4 that you attended on April 20th, 2001 in Gretchen</p> <p>5 Donndelinger's office?</p> <p>6 MS. ANGELL: Objection. Assumes facts not in</p> <p>7 evidence. You assume that she can read this document.</p> <p>8 You assume that she has finished reading it, but you</p> <p>9 haven't asked her if she has. You assume that she</p> <p>10 attended a meeting.</p> <p>11 Could you maybe start with finding out if she</p> <p>12 attended a meeting, if she can read the document, that</p> <p>13 kind of thing, so I have no objection on form?</p> <p>14 MS. LARKINS: Sure. Okay.</p> <p>15 Q. Were you able to read the handwriting on these</p> <p>16 documents?</p> <p>17 A. Pretty much. What is this?</p> <p>18 Q. Well, I'm not going to testify what it is.</p> <p>19 A. Oh, okay. But that's the way it came out?</p> <p>20 Okay.</p> <p>21 Q. Yeah.</p> <p>22 MS. ANGELL: And let the record reflect that the</p> <p>23 witness is pointing to the last line on Exhibit 2 --</p> <p>24 THE WITNESS: To the outside.</p> <p>25 MS. ANGELL: -- asking what the writing in the</p>	<p>1 time is 2:51 p.m.</p> <p>2 (A recess was taken from 2:51 to 2:58 p.m.)</p> <p>3 VIDEOGRAPHER: We remember going on record. The</p> <p>4 time is 2:58 p.m.</p> <p>5 BY MS. LARKINS:</p> <p>6 Q. Okay. As Ms. Angell has pointed out, the</p> <p>7 document speaks for itself. So, let me ask my question</p> <p>8 this way. Do you recall meeting with the people who are</p> <p>9 named in these two pages on approximately April 20th,</p> <p>10 2001?</p> <p>11 A. No. I don't recall.</p> <p>12 Q. Do any of the statements made on these two pages</p> <p>13 ring a bell with you at all that you have heard those</p> <p>14 statements before?</p> <p>15 MS. ANGELL: You mean other than through</p> <p>16 discussions with counsel and you mean prior to this</p> <p>17 litigation having been filed?</p> <p>18 MS. LARKINS: Yes.</p> <p>19 THE WITNESS: No.</p> <p>20 MS. LARKINS: Okay. I'd like to ask that this</p> <p>21 document be labeled Exhibit 3. Okay.</p> <p>22 Q. Do you remember ever having said to anyone that</p> <p>23 I -- regarding Kingdoms, that I could not let it go?</p> <p>24 A. I don't remember saying that.</p> <p>25 Q. Do you remember saying that it was very</p>
Page 67	Page 69
<p>1 margin on Exhibit 2 at the bottom of the page is stating</p> <p>2 that she -- what are you stating, that you can't read it?</p> <p>3 THE WITNESS: I can't tell what that letter is.</p> <p>4 MS. ANGELL: All right. But you can read the</p> <p>5 rest of the handwriting?</p> <p>6 THE WITNESS: I can read the rest of it.</p> <p>7 MS. ANGELL: Okay.</p> <p>8 BY MS. LARKINS:</p> <p>9 Q. Okay. Do you know any of the people who are --</p> <p>10 whose names are listed on these pages?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Can you tell who these people are who are</p> <p>13 listed on these pages?</p> <p>14 A. Some.</p> <p>15 Q. Okay. Who are they?</p> <p>16 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>17 BY MS. LARKINS:</p> <p>18 Q. Who are the people named, if you can tell, on</p> <p>19 these two pages?</p> <p>20 MS. ANGELL: Objection. Document speaks for</p> <p>21 itself. I'd like to go off the record for a minute.</p> <p>22 Objections?</p> <p>23 VIDEOGRAPHER: Is that agreeable, Ms. Larkins?</p> <p>24 MS. LARKINS: Oh, yeah.</p> <p>25 VIDEOGRAPHER: We are going off the record. The</p>	<p>1 stressful this week, since I came back to work?</p> <p>2 A. I don't remember saying that. (Witness shakes</p> <p>3 head.)</p> <p>4 Q. Do you remember saying that you and the staff</p> <p>5 were afraid she might bring a gun?</p> <p>6 A. I don't remember saying that.</p> <p>7 MS. LARKINS: Okay. I have no more questions.</p> <p>8 EXAMINATION</p> <p>9 BY MS. ANGELL:</p> <p>10 Q. I am sorry if we already covered this, but I</p> <p>11 didn't write it down, if we did. So, a long time ago</p> <p>12 there was some discussion, Mrs. Snyder --</p> <p>13 A. Ms.</p> <p>14 Q. Ms. Snyder, I'm sorry.</p> <p>15 A. I want to make that correction.</p> <p>16 Q. -- concerning a meeting that you attended which</p> <p>17 was -- also in attendance were Dr. Donndelinger, Robin</p> <p>18 Donlan, Plaintiff and Rick Denman -- whoops, strike that.</p> <p>19 I see that I already asked about the year. Strike that,</p> <p>20 please.</p> <p>21 Concerning Heather Smith. Do you recall the</p> <p>22 time frame that Ms. Smith -- strike that. Concerning</p> <p>23 Heather Smith, was Ms. Smith an employee, to your</p> <p>24 knowledge, of the Chula Vista Elementary School District</p> <p>25 at any time?</p>

18 (Pages 66 to 69)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 70	Page 72
<p>1 A. Yes.</p> <p>2 Q. To your knowledge, do you know what her job</p> <p>3 title was when she was employed with the School District?</p> <p>4 A. She was a bilingual first grade teacher at our</p> <p>5 school.</p> <p>6 Q. Do you know -- at your school, meaning Castle</p> <p>7 Park Elementary School?</p> <p>8 A. At Castle Park.</p> <p>9 Q. Okay. If you could do me a favor and a let me</p> <p>10 get the whole question out, that would be great.</p> <p>11 A. I am sorry. Okay.</p> <p>12 Q. Okay? And I am going to try and do you the same</p> <p>13 favor of talking one of us at a time. It's hard.</p> <p>14 Depositions are a little different than regular</p> <p>15 conversation. So, I will try and keep that in mind.</p> <p>16 To the best of your recollection, was Heather</p> <p>17 Smith employed at Castle Park Elementary School before</p> <p>18 Plaintiff was first employed at Castle Park Elementary</p> <p>19 School?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you recall whether Ms. Smith was employed at</p> <p>22 Castle Park Elementary School at the same time</p> <p>23 concurrently with the plaintiff?</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you know whether Ms. Smith was a Chula Vista</p>	<p>1 those shootings in a different degree than you had been</p> <p>2 concerned for your safety before those shootings?</p> <p>3 A. Yes.</p> <p>4 Q. Were you more concerned for your personal safety</p> <p>5 at school after the shootings than you were before the</p> <p>6 shootings?</p> <p>7 A. Yes.</p> <p>8 Q. Do you continue to be as concerned for your</p> <p>9 personal safety at public school district property today</p> <p>10 as you were around the same time as the school shootings?</p> <p>11 A. Yes.</p> <p>12 Q. Concerning the Comer Program, do you know, in</p> <p>13 fact, whether or not the Comer Program was formally</p> <p>14 adopted or implemented at Castle Park Elementary School?</p> <p>15 A. Formally adopted, no, I do not know.</p> <p>16 Q. Are you an expert on the Comer Program?</p> <p>17 A. No.</p> <p>18 Q. When the Comer Program was under discussion at</p> <p>19 Castle Park Elementary School, were you the person who</p> <p>20 was in charge of the Comer Program?</p> <p>21 A. No.</p> <p>22 Q. Was the school principal in charge of the Comer</p> <p>23 Program?</p> <p>24 A. Yes.</p> <p>25 Q. Mrs. Snyder, has any person at any time -- other</p>
Page 71	Page 73
<p>1 Elementary School District employee during the 1990s at</p> <p>2 all?</p> <p>3 A. Hmm. I am not --</p> <p>4 Q. I am just trying to get a time frame.</p> <p>5 A. Yes. And I am not -- I am not sure. I am not</p> <p>6 sure of the time frame.</p> <p>7 Q. Could it have been that she was an employee more</p> <p>8 than 10 years ago or was it within the last 10 years?</p> <p>9 And, if you don't know, you don't know.</p> <p>10 A. I just -- I don't know.</p> <p>11 Q. Okay. Are you aware of whether or not there</p> <p>12 were any shootings at school campuses in San Diego County</p> <p>13 within the last five years?</p> <p>14 A. Yes.</p> <p>15 Q. And were there any shootings at public school</p> <p>16 district facilities in San Diego County during the last</p> <p>17 five years?</p> <p>18 A. Yes.</p> <p>19 Q. And how do you know about those shootings?</p> <p>20 A. From radio and television and newspapers.</p> <p>21 Q. During the time frame of those shootings were</p> <p>22 you employed as a teacher in a public school district in</p> <p>23 San Diego County?</p> <p>24 A. Yes.</p> <p>25 Q. Were you concerned for your safety subsequent to</p>	<p>1 than your discussions with counsel, has any person at any</p> <p>2 time made a statement to you of the words that Plaintiff,</p> <p>3 meaning Maura Larkins, needed to be arrested by police</p> <p>4 because she was a dangerous person who had at least one</p> <p>5 handgun?</p> <p>6 A. No.</p> <p>7 Q. Has anyone, other than your discussions with</p> <p>8 counsel in relation to this litigation, ever made a</p> <p>9 statement or words to that effect, not maybe exactly</p> <p>10 those words, but words to the effect that Maura Larkins</p> <p>11 needed to be arrested by police because she was a</p> <p>12 dangerous person who had at least one handgun?</p> <p>13 A. No.</p> <p>14 Q. Ms. Snyder, have you ever seen any arrest</p> <p>15 records concerning Maura Larkins?</p> <p>16 A. No.</p> <p>17 Q. Prior to the instigation of this litigation were</p> <p>18 you aware that Plaintiff had, in fact, been arrested at</p> <p>19 any point in her life?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of whether now -- other than</p> <p>22 conversations with counsel, are you aware of whether</p> <p>23 plaintiff has ever been arrested for committing a</p> <p>24 misdemeanor?</p> <p>25 A. No.</p>

19 (Pages 70 to 73)

<p style="text-align: right;">Page 74</p> <p>1 Q. Other than conversations with counsel in 2 relation to this litigation, are you aware at this point 3 in time whether Plaintiff has ever been arrested related 4 to a felony? 5 A. No. 6 Q. Other than discussion with counsel in relation 7 to this litigation, do you have any knowledge concerning 8 whether individuals are permitted to possess information 9 from other people's criminal records information? 10 A. Could you clarify? 11 Q. Other than discussions with counsel, do you know 12 whether it is -- 13 A. Repeat. 14 Q. I am forming the question. Strike what I did so 15 far, please. 16 Other than discussions with counsel, have you 17 ever been informed by anyone that it is illegal to 18 possess information from another person's records of 19 arrest when that arrest did not result in conviction? 20 A. No. 21 MS. ANGELL: That's it. 22 FURTHER EXAMINATION 23 BY MS. LARKINS: 24 Q. I'd like to do a little follow-up. I know what 25 you call it. Redirect?</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MS. LARKINS: 2 Q. Okay. At the present time do you have fear that 3 a teacher might come to Castle Park School and shoot 4 people? 5 A. No. 6 Q. Regarding your statements that you didn't 7 remember anyone telling you that Maura Larkins needed to 8 be arrested or that Maura Larkins had a handgun, are you 9 very clear in your memory that no one ever made those 10 statements to you or do you simply not remember anyone 11 making those statements? 12 A. I am very clear that no one ever made those 13 statements. 14 Q. Okay. Are you aware that it is a misdemeanor to 15 possess records of an arrest which did not lead to a 16 conviction? 17 A. No. 18 MS. LARKINS: Okay. That's all. 19 MS. ANGELL: Mr. Hersh, anything from you? 20 MR. HERSH: No. 21 MS. LARKINS: Okay. Should I make my halting 22 and difficult stipulation about what to do with these? 23 Okay. I would like to stipulate that the transcript of 24 this deposition be given to Kelly Angell when it is 25 ready. And we seem to have settled on a three-week</p>
<p style="text-align: right;">Page 75</p> <p>1 When you were afraid of shootings at schools -- 2 strike that. 3 When you became afraid of shootings at schools, 4 did you ever suspect that one particular teacher might 5 shoot people at your school? 6 MS. ANGELL: Objection. Misstates the 7 testimony. To the extent that you understand the 8 question regarding whether you ever had a fear that any 9 particular teacher would do a shooting, I don't object to 10 you making an answer. 11 MS. LARKINS: Would you like me to restate? 12 THE WITNESS: (Witness nods head.) 13 MS. ANGELL: Is the prior question stricken, 14 then? 15 MS. LARKINS: Yes. 16 Q. When you became afraid of shootings at schools, 17 did you become afraid that a particular teacher might 18 come to Castle Park and shoot people? 19 A. No. 20 Q. Did it -- when you became afraid of shootings at 21 schools, did it ever cross your mind that a teacher might 22 come to your school and shoot people? 23 MS. ANGELL: Objection. Vague and ambiguous, 24 overbroad. 25 THE WITNESS: Not that I remember.</p>	<p style="text-align: right;">Page 77</p> <p>1 period for most of the deponents in this case. Let me 2 try to explain to you what happens now. 3 The transcript of this deposition will be given 4 to you by Ms. Angell. And you will want to read it over 5 and make sure that it states what you want it to state. 6 And, if there are any changes or corrections you want to 7 make, you have an opportunity to make them. And the last 8 couple people who have been deposed here agreed to a 9 period of a three-week period to have to read over the 10 deposition and decide if they wanted to make any changes. 11 And then you sign it when you have made your changes or 12 decided you didn't want to make changes. And you mail it 13 to Ms. Angell. 14 Do you want two discuss the three-week period or 15 does that sound good to both of you? 16 MS. ANGELL: Will you be traveling out of town 17 at any time between now and the end of the year? 18 THE WITNESS: Yes. 19 MS. ANGELL: We don't need to know where you're 20 going, but what are the approximate dates of your first 21 travel? 22 THE WITNESS: The 16th of November through the 23 30th of November. 24 MS. ANGELL: And will you also be traveling in 25 December?</p>

20 (Pages 74 to 77)

Larkins v. Werlin, etc., et al.
Case No. GIC 781970

Deposition of Karen Snyder
November 9, 2004

Page 78

1 THE WITNESS: Yes. Well, Mrs. Larkins, if you
2 wish to pay to have this transcript expedited so that it
3 can be received by Mrs. Snyder by November 15th, not just
4 mailed to her, but received by her that day, I don't
5 know. I mean, are you going on a vacation? You're going
6 on a vacation?
7 THE WITNESS: I am going -- yes, I am going out
8 of town to see family.
9 MS. ANGELL: Okay.
10 MS. LARKINS: I don't particularly think that we
11 need to have it expedited. So, you will be back in town
12 around December 1st?
13 THE WITNESS: Correct.
14 MS. LARKINS: And then how long will you be in
15 town?
16 THE WITNESS: I will be in town for a week and
17 then I will be out of town for four days.
18 MS. ANGELL: Let's stop right there. During the
19 first week of December --
20 THE WITNESS: Uh-huh.
21 MS. ANGELL: -- assuming that the deposition
22 transcript is at your house when you return --
23 THE WITNESS: Uh-huh.
24 MS. ANGELL: -- from your trip, will you be able
25 to have an opportunity to review that transcript and get

Page 79

1 it back to me by December 10th?
2 THE WITNESS: Yes.
3 MS. ANGELL: Okay. So, as long as I have the
4 transcript at my office two weeks from today -- that
5 would be the 23rd -- so that I can get it delivered to
6 her, then she will have 10 days to make any corrections
7 to it from the time that she receives it, because she
8 won't receive it until when she gets back. So, that
9 would be aiming for December 10th, assuming that I
10 receive it on or before November 23.
11 MS. LARKINS: So from that I conclude that you
12 two are -- you're also going out of town then right after
13 the 23rd?
14 MS. ANGELL: I can't read her depo for her. She
15 is going to be gone.
16 MS. LARKINS: No.
17 MS. ANGELL: And I have to have an opportunity
18 to get it in the mail to her. So, she won't receive it
19 until December 1.
20 MS. LARKINS: Uh-huh. I see.
21 MS. ANGELL: So, she said that, you know,
22 assuming that she actually has it by December 1, she
23 should be able to review it, make any changes and let me
24 know about the changes by December 10.
25 MS. LARKINS: I see. So you just feel you need

Page 80

1 a week --
2 THE WITNESS: (Witness nods head.)
3 MS. LARKINS: -- to do the turnaround?
4 MS. ANGELL: She needs at least that long.
5 MS. LARKINS: No. I meant you.
6 THE WITNESS: Yes. Yes.
7 MS. ANGELL: You're not deposing her any more.
8 You're finished deposing her. You and I are making a
9 stipulation. And I am having this conversation with her
10 in front of you. Okay?
11 MS. LARKINS: Okay.
12 MS. ANGELL: So, and for every day after
13 November 23rd that I do not have the transcript, if the
14 transcript is not received by me by November 23rd at 4:00
15 p.m., then I am going to need additional time because of
16 the holiday and mail and problems and stuff like that.
17 But you can get it -- to the court reporter, you can get
18 it within two weeks, right?
19 THE REPORTER: Uh-huh.
20 MS. ANGELL: Yes? Thank you. All right. So
21 are you done proposing your stipulation, Ms. Larkins?
22 MS. LARKINS: No. I can think of two more
23 things I can say.
24 MS. ANGELL: All right. Let's hear them.
25 MS. LARKINS: The original will be kept by

Page 81

1 Ms. Angell and/or her law firm. And, in the event the
2 original is lost, a certified copy will be acceptable in
3 place of an original and a faxed signature will be
4 acceptable in place of an original. That's all I can
5 think of. If anyone else wants to stipulate to anything
6 further --
7 MR. HERSH: Not from me.
8 MS. ANGELL: And the original transcript that
9 you're sending is going to have an index and a condensed?
10 THE REPORTER: The original does not. If you
11 order a copy, then you get a disk and a condensed.
12 MS. ANGELL: I don't need a disk. I need an
13 index and a condensed.
14 THE REPORTER: Okay. Just so you know, that's a
15 copy, though, the equivalent of a copy. The original is
16 just the original that she is paying for, the 0 and one
17 copy.
18 MS. ANGELL: Okay. We'll talk about it after.
19 That will work. So stipulated.
20 MS. LARKINS: You, Michael?
21 MR. HERSH: So stipulated. Did I interrupt?
22 MS. LARKINS: Did you stipulate?
23 MR. HERSH: Yes.
24 MS. LARKINS: Okay.
25 VIDEOGRAPHER: All right. This concludes

21 (Pages 78 to 81)

Page 82

1 today's deposition. We are going off the record at 3:18
2 p.m.

3 (The deposition was concluded at 3:18 p.m.)

4 * * * * *

5 I, Karen Snyder, swear, under penalty of
6 perjury, that I have read the foregoing deposition, and
7 that it is true and correct, to the best of my knowledge
8 and belief.

9 Signed on this _____ day of _____, 2004
10 at _____
11 (City) (State)

12 _____
13 KAREN SNYDER
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Page 83

1 STATE OF CALIFORNIA)

2 ss

3 COUNTY OF SAN DIEGO)

4 I, Diane M. Holnback, a Certified Shorthand
5 Reporter, Certificate No. 11686, in and for the County of
6 San Diego, State of California, do hereby certify that
7 the witness in the foregoing deposition was by me first
8 duly sworn and that the foregoing testimony was reported
9 by me and was thereafter transcribed with computer-aided
10 transcription under my direction, and that the foregoing
11 is a full, complete, and true record of said proceeding.

12 I further certify that I am a disinterested
13 person and am in no way interested in the outcome of this
14 action, nor connected with or related to any of the
15 parties in this action or to their respective counsel.

16 The dismantling, unsealing or unbinding of the
17 original transcript will render the reporter's
18 certificates null and void.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 on this 22nd day of November, 2004.

21 _____
22 Diane M. Holnback, C.S.R.

23 Certificate No. 11686
24
25

22 (Pages 82 to 83)

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Larkins v. Werlin
GIC 781970

Deposition of Nikki Perez
November 29, 2004

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

MAURA LARKINS,

Plaintiff,

vs.

RICHARD T. WERLIN, etc.,
et al.,

Defendants.

Case No. GIC 781970

VIDEOTAPED DEPOSITION OF NIKKI PEREZ
Taken at San Diego, California
November 29, 2004

Claudia A. Witt, CSR
Certificate No. 10797

Larkins v. Werlin
GIC 781970

Deposition of Nikki Perez
November 29, 2004

<p style="text-align: right;">Page 2</p> <p>1 I-N-D-E-X 2 VIDEOTAPED DEPOSITION OF NIKKI PEREZ 3 November 29, 2004 4 5 Examination by Ms. Larkins 4 6 7 Examination by Ms. Angell 7 8 9 10 EXHIBITS: PAGE 11 (None offered) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: This is the video deposition of 2 Nikki Perez being taken on behalf of plaintiff in the matter 3 of Maura Larkins versus Richard T. Werlin, et cetera, et al., 4 San Diego Superior Court case No. GIC 781970. This 5 deposition is being held in the offices of San Diego Court 6 Reporting, located at 319 Elm Street, Suite 100, San Diego, 7 California. Today is Monday, November 29th, 2004, and the 8 time is now 3:26 p.m. My name is Gregg Eisman. I'm a legal 9 video specialist with Videographics, located at 1903 30th 10 Street, San Diego, California. The certified shorthand 11 reporter is Claudia Witt of San Diego Court Reporting. 12 For the video record, would counsel please state 13 their appearances. 14 MS. LARKINS: Maura Larkins, plaintiff in pro per. 15 MS. ANGELL: Kelly Angell for Robin Donlan and 16 Linda Watson. 17 MR. HERSH: Michael Hersh on behalf of the 18 association defendants. 19 THE VIDEOGRAPHER: Would the reporter please swear 20 the witness. 21 (At this point, the deponent was placed under oath 22 by the court reporter.) 23 24 EXAMINATION BY MS. LARKINS: 25 Q. Good afternoon.</p>
<p style="text-align: right;">Page 3</p> <p>1 VIDEOTAPED DEPOSITION OF NIKKI PEREZ 2 3 Pursuant to Notice to Take Deposition, and on the 29th 4 day of November 2004, commencing at the hour of 3:26 p.m. at 5 319 Elm Street, Suite 100, in the City and County of San Diego, 6 State of California, before me, Claudia A. Witt, Certified 7 Shorthand Reporter in and for the State of California, 8 personally appeared: 9 NIKKI PEREZ, 10 Witness herein, who, called as a witness by the Plaintiff, 11 being by me first duly sworn, was thereupon examined as a 12 witness in said cause. 13 14 APPEARANCES 15 For the Plaintiff, MAURA LARKINS 16 1935 Autocross Court 17 El Cajon, California 92019 18 (619) 444-0065 19 (In Propria Persona) 20 For Chula Vista CALIFORNIA TEACHERS ASSOCIATION 21 Educators, By: MICHAEL HERSH, ESQ. 22 California Teachers Post Office Box 2153 23 Association, 11745 East Telegraph Road 24 Virginia Boyd and Santa Fe Springs, California 90670 25 Timothy O'Neill: (562) 942-7979 (Appeared telephonically) For Robin Donlan STUTZ, ARTIANO, SHINOFF & HOLTZ and Linda Watson: By: KELLY R. ANGELL, ESQ. 401 West A Street, 15th Floor San Diego, California 92101 (619) 232-3122 Also Present: Gregg Eisman, Videographer</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Good afternoon. 2 Q. Ms. Perez, are you feeling well today? 3 A. Yes, I am. 4 Q. Can you think of any reason why you wouldn't be 5 able to give your best testimony? 6 A. No. There is none. 7 Q. Okay. I'd like to just do a quick review of your 8 education and employment. Could you state for the record 9 where and when you graduated from high school? 10 A. I graduated from Castle Park High School in 1975. 11 Q. And then as far as education or employment goes, 12 what did you do after that? 13 A. I continued on at Southwestern College, community 14 college. Then I went to night school. I continued there, 15 finished my A.A., and over many years later transferred to 16 San Diego State and eventually graduated from San Diego 17 State. And in there I was a mommy. 18 Q. Yeah, when you only talk about education and 19 employment, you leave quite a bit out. And what did you do 20 after you graduated from San Diego State? 21 A. I entered the credential program, and I finished 22 in '95, May of '95. And then I received employment from 23 Chula Vista Elementary School District in August of '95. 24 Q. And what school did you work at? 25 A. Castle Park Elementary School.</p>

2 (Pages 2 to 5)

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Larkins v. Werlin
GIC 781970

Deposition of Nikki Perez
November 29, 2004

<p style="text-align: right;">Page 6</p> <p>1 Q. Okay. At some time did you come to know someone 2 named Shelley Rudd? 3 A. Yes. 4 Q. And how did that come to pass? 5 A. Shelley Rudd is -- was the teacher that taught my 6 children, my eldest, to read. She was the 1st grade teacher 7 at -- 8 Q. Harborside? 9 A. Harborside. Thank you. Yes, she was a 1st grade 10 teacher at Harborside. 11 Q. Okay. And did you become friends with Shelley 12 Rudd when she was your children's teacher? 13 A. I -- I wouldn't characterize it as being friends, 14 but I respected her greatly because I admired her as a 15 teacher, and I thought she did a wonderful job for my children. 16 Q. When you became a teacher yourself, did you have 17 occasion to speak with Shelley Rudd during the workday? 18 A. No, I did not. 19 Q. Were you ever on any committees together after 20 school? 21 A. No. 22 Q. Did you at all communicate with Ms. Rudd after 23 your children left her classroom? 24 A. I recently ran into Ms. Rudd at a district- 25 sponsored writing workshop, and that was the first and only</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. So I think that clarifies. Did you 2 understand Ms. Larkins' questions to be asking you about your 3 own children that you're the mother to -- 4 A. Yes. 5 Q. -- versus other children that you teach? 6 A. No, I did not. I thought she was referring to 7 only my own children. 8 Q. Okay. 9 A. Yes. 10 Q. And that's what you answered? 11 A. Right. 12 MS. ANGELL: Okay. 13 THE WITNESS: That's the capacity. 14 MS. ANGELL: No more questions. 15 Q. Oh, I got a question. Sorry. 16 Mrs. Perez, did anyone ever tell you that Maura 17 Larkins was a dangerous person who needed to be arrested 18 because she had a handgun or at least one handgun? 19 A. No. 20 MS. ANGELL: That's all. 21 MS. LARKINS: Okay. Ms. Perez, what's going to 22 happen now -- this is going to be real easy for you because 23 this was a really short deposition, is you're going to get a 24 copy of this transcript in the mail. This is one volume of 25 my deposition. And you're going to get to read over it, and</p>
<p style="text-align: right;">Page 7</p> <p>1 time I recall running into her since we left Harborside School. 2 Q. Did you ever tell anyone at Castle Park that you 3 had talked on the phone to your friend Shelley at Harborside? 4 A. I have never spoken to Ms. Rudd on the phone before. 5 Q. In other words, you're saying that apart from this 6 recent -- did you say writing -- 7 A. Writing workshop. 8 Q. Writing workshop you've never spoken to Shelley 9 Rudd since your children left her classroom? 10 A. Correct. 11 MS. LARKINS: Okay. That's all the questions I 12 have. 13 14 EXAMINATION BY MS. ANGELL: 15 Q. I have a question. I don't understand what is 16 meant by -- regarding time frame of when your children left 17 Ms. Rudd's classroom. What time frame are you talking about? 18 A. Ms. Rudd was my eldest child's teacher. That 19 means she was -- my eldest child was born in '81, so she 20 entered 1st grade -- what would that make it, '86, 1986, and 21 she was my daughter's 1st grade -- so it would be 1986. 22 1987, 1988 time frame she was my son's 1st grade teacher, and 23 after that encounter we were gone from that school when my 24 eldest child -- my eldest child did -- went through 2nd grade 25 at Harborside Elementary.</p>	<p style="text-align: right;">Page 9</p> <p>1 if there's anything in it that you want to change, you can 2 make changes on this page in the front. And then when you 3 have -- you know, you're ready to state that with these 4 changes this deposition is my correct testimony, there will 5 be a signature page in the back that you sign. And this is 6 mine, and I'm going to give it to you right now, Ms. Angell. 7 Okay. I had one week to look over that deposition and sign 8 it. How long do you think you would need to look over yours? 9 THE WITNESS: I know in my -- 10 MS. LARKINS: It's my -- 11 THE WITNESS: In my job capacity I have parent/ 12 conferences coming up so I know I'll be extremely busy with 13 that, and so I really don't see getting to it until beyond 14 parent conferencing. I'm sorry. 15 MS. LARKINS: Well, that's fine. The law actually 16 sort of recommends 30 days. You can stipulate to something 17 shorter, but 30 days would be fine with me. Does that sound 18 good to you? 19 MS. ANGELL: Do you mean 30 days from the date 20 that she receives a copy of the transcript? 21 MS. LARKINS: That's exactly what I mean. 22 THE WITNESS: Yes, I believe I can do that. 23 MS. LARKINS: Okay. All right then. Shall we 24 stipulate that the court reporter will send this transcript 25 to Kelly Angell, right, and then Kelly Angell will send it to</p>

3 (Pages 6 to 9)

Larkins v. Werlin
GIC 781970

Deposition of Nikki Perez
November 29, 2004

Page 10

1 you. When you receive it, you get 30 days to look it over
2 and sign it and return it to Kelly Angell. And let's stipulate
3 that a fax signature is as good as an original on the
4 signature page of the deposition. And if no signature is
5 received within 30 days, we'll consider it signed as it is.
6 And the original will be kept by Ms. Angell. And if the
7 original is lost or unavailable, a certified copy will be
8 acceptable in place of the original. And shall we stipulate
9 to that?

10 MS. ANGELL: So stipulated.

11 MS. LARKINS: Mr. Hersh?

12 MR. HERSH: Stipulated.

13 MS. LARKINS: Okay. I think we're finished.

14 THE VIDEOGRAPHER: This concludes today's
15 deposition. We're going off the record at 3:35 p.m.

16 * * * * *

17 I, NIKKI PEREZ, swear under penalty of perjury
18 that I have read the foregoing, and that it is true and
19 correct, to the best of my knowledge and belief.

20 Signed on this day of , 2004,

21 at

(City) (State)

22

23

NIKKI PEREZ

24

25

Page 11

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN DIEGO)

3

4 I, CLAUDIA A. WITT, Certified Shorthand Reporter
5 licensed in the State of California, License No. 10797,
6 hereby certify that the deponent was by me first duly sworn
7 and the foregoing testimony was reported by me and was
8 thereafter transcribed with Computer-Aided Transcription;
9 that the foregoing is a full, complete, and true record of
10 said proceeding.

11 I further certify that I am not of counsel or
12 attorney for either or any of the parties in the foregoing
13 proceeding and caption named or in any way interested in the
14 outcome of the cause in said caption.

15 The dismantling, unsealing, or unbinding of the
16 original transcript will render the reporter's certificates
17 null and void.

18 In witness whereof, I have hereunto set my hand
19 this day: December 10th, 2004

20

21

CLAUDIA A. WITT, CSR

22 Certificate No. 10797

23

24

25

4 (Pages 10 to 11)

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Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Scharmach
November 10, 2004

Page 1

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

MAURA LARKINS,

Plaintiff,

vs.

RICHARD T. WERLIN, etc., et al.,

Defendants.

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Case No. GIC 781970

DEPOSITION OF MICHELE LEON-SCHARMACH

Taken at San Diego, California

Wednesday, November 10th, 2004

Diane M. Holnback, C.S.R.

Certificate No. 11686

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Certificate No. 3613

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schrmach
November 10, 2004

Page 6

1 Q. Are you feeling well today?

2 A. Yes.

3 Q. Do you feel that you can give your best

4 testimony today?

5 A. I certainly do.

6 Q. Okay. Great. I will just do a standard

7 history, you know, of your education and employment.

8 Can you tell me where you graduated from high

9 school?

10 A. Bakersfield High School.

11 Q. Okay. And what did you do after that as far as

12 education or employment?

13 A. I went to Bakersfield Junior College; then

14 transferred to San Jose State, where I stayed a year; and

15 then I worked a year and went to Fresno State Extension

16 and then ended up with more upper division units in my

17 major with Fresno State. So I transferred to Fresno

18 State and graduated there --

19 Q. Uh-huh.

20 A. -- and worked a year as a social worker and then

21 was in Child Welfare and decided I wanted to be a

22 teacher. And so I went back and got my teaching

23 credential --

24 Q. Okay.

25 A. -- and then worked my first two years in

Page 7

1 Riverside and then transferred to San Diego -- I mean to

2 Chula Vista -- in 1969.

3 Q. And do you remember when you came to Castle Park

4 Elementary?

5 A. Oh, I had been in and out of there for years as

6 a librarian and I was there for awhile and I don't

7 remember the exact date.

8 Q. Right.

9 A. You know, I remember, you know, Oscar was

10 principal there for awhile. George somebody was

11 principal there for awhile years ago, years ago. And

12 then I was transferred to several other schools and then

13 I came back to Castle Park. So I was in and out of there

14 for quite a few years.

15 MS. ANGELL: I am going to ask the witness to

16 please listen carefully to the question asked and respond

17 only to the question that's asked.

18 THE WITNESS: Okay.

19 MS. ANGELL: Thanks.

20 BY MS. LARKINS:

21 Q. Okay. Did there come a time when you became

22 acquainted with me?

23 A. Yes.

24 Q. And, just ballpark, about when was that?

25 A. Maybe the year 2000, 2001 --

Page 8

1 Q. Okay.

2 A. -- 2002, someplace in there.

3 Q. Maybe sooner?

4 A. You know, I really don't remember the exact

5 date. I don't recall.

6 Q. Okay. Because -- okay. Would the year 1997

7 sound also a possibility?

8 A. Yeah. Uh-huh.

9 Q. Could well have been?

10 A. Could be. Could be.

11 MS. ANGELL: And I am going to instruct the

12 witness to please wait until the question is fully asked

13 before responding, because you're expected to understand

14 the entire question.

15 THE WITNESS: Okay.

16 MS. ANGELL: There can only be one person

17 talking on the record at a time because, otherwise, we

18 will drive the poor court reporter insane.

19 THE WITNESS: I am sorry.

20 MS. ANGELL: She has to take down every word

21 that's being said. So, if you could, please wait until

22 Mrs. Larkins is done with her question.

23 THE WITNESS: Okay.

24 MS. ANGELL: Provide an opportunity for counsel

25 on the phone and for me to make our objections, if

Page 9

1 necessary, and then you can respond.

2 THE WITNESS: Okay.

3 MS. ANGELL: Okay. Thanks.

4 BY MS. LARKINS:

5 Q. Do you recall a time when Gretchen Donndelinger

6 came to be principal of Castle Park Elementary?

7 A. Yes.

8 Q. Okay. Does it seem to you that Gretchen

9 Donndelinger and I came to Castle Park around the same

10 time?

11 A. I just don't recall.

12 Q. Okay. But, if I told you that we both came in

13 in 1997, you wouldn't disagree?

14 A. I have no reason to disagree.

15 Q. Okay. What kind of relationship did you have

16 with me when we first became acquainted?

17 MS. ANGELL: Objection. Vague and ambiguous.

18 MS. LARKINS: I will try again.

19 Q. Did you and I have a positive, friendly

20 relationship when we first became acquainted?

21 A. I thought so.

22 Q. Do you have positive relations with most or all

23 of the staff that you work with?

24 A. Yes.

25 MS. ANGELL: Objection. Compound and

3 (Pages 6 to 9)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schrmach
November 10, 2004

<p style="text-align: right;">Page 10</p> <p>1 conjunctive. Do you want to know if she has what she</p> <p>2 considers to be a positive relationship with most or --</p> <p>3 MS. LARKINS: I will rephrase.</p> <p>4 MS. ANGELL: So the first question is stricken?</p> <p>5 MS. LARKINS: Yes.</p> <p>6 MS. ANGELL: Okay.</p> <p>7 BY MS. LARKINS:</p> <p>8 Q. Do you have a positive relationship with most of</p> <p>9 the staff that you work with?</p> <p>10 A. Yes.</p> <p>11 MS. ANGELL: And you mean currently in the</p> <p>12 2004/2005 school year on that question?</p> <p>13 MS. LARKINS: Let me ask another question. We</p> <p>14 can strike that question.</p> <p>15 MS. ANGELL: And the response?</p> <p>16 MS. LARKINS: And the response.</p> <p>17 MS. ANGELL: Do you see how you need to let me</p> <p>18 get the objection in so that you understand the question?</p> <p>19 THE WITNESS: Uh-huh.</p> <p>20 MS. ANGELL: Because that question could have</p> <p>21 been for your 30 years or however long you have been with</p> <p>22 the District.</p> <p>23 THE WITNESS: Uh-huh. Uh-huh.</p> <p>24 MS. ANGELL: So, let's make sure you understand</p> <p>25 the question before you answer it.</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. ANGELL: You testify as to what you know,</p> <p>2 not what she tells you.</p> <p>3 THE WITNESS: Okay.</p> <p>4 (Exhibit 2 was marked for identification.)</p> <p>5 MS. LARKINS: Okay. I'd like to ask that this</p> <p>6 document be labeled Exhibit 2.</p> <p>7 Q. And could you just look over that document?</p> <p>8 Have you ever seen this document before?</p> <p>9 A. No.</p> <p>10 Q. Okay. Did there ever come a time when you</p> <p>11 worked at Castle Park that you became aware that I had</p> <p>12 complained that I was being harassed?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. No.</p> <p>16 Q. Okay. Could you make a -- could you tell me the</p> <p>17 date on this document?</p> <p>18 MS. ANGELL: Objection. Give me time to object.</p> <p>19 Okay?</p> <p>20 THE WITNESS: Uh-huh.</p> <p>21 MS. ANGELL: The document speaks for itself.</p> <p>22 BY MS. LARKINS:</p> <p>23 Q. You can go ahead and answer the question.</p> <p>24 MS. ANGELL: She wants to know what whoever made</p> <p>25 this thing wrote on it.</p>
<p style="text-align: right;">Page 11</p> <p>1 THE WITNESS: Okay.</p> <p>2 BY MS. LARKINS:</p> <p>3 Q. Okay. Do you try to have a positive</p> <p>4 relationship with the people you work with wherever and</p> <p>5 whenever you work?</p> <p>6 A. Yes.</p> <p>7 Q. Do you remember what grade level classroom I</p> <p>8 taught when I was at Castle Park?</p> <p>9 A. Yes.</p> <p>10 Q. What grade level was that?</p> <p>11 A. Third.</p> <p>12 Q. And do you remember whether I taught a bilingual</p> <p>13 class?</p> <p>14 A. Yes.</p> <p>15 Q. And did I?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. I think it's going to be important for us</p> <p>18 to get a better ballpark on the time frames we are</p> <p>19 talking about. And I might be able to help with that by</p> <p>20 putting in some exhibits.</p> <p>21 MS. ANGELL: Move to strike Plaintiff's</p> <p>22 commentary. No question pending. Plaintiff's comments</p> <p>23 are not testimony and are not to influence the testimony</p> <p>24 that you give today.</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 13</p> <p>1 THE WITNESS: Okay.</p> <p>2 MS. ANGELL: So she wants you to read the</p> <p>3 letter, part of the letter, into the record.</p> <p>4 THE WITNESS: The date? Oh, read the letter?</p> <p>5 MS. ANGELL: She wants you to read the first</p> <p>6 line.</p> <p>7 THE WITNESS: The date? January 23rd, 2001.</p> <p>8 BY MS. LARKINS:</p> <p>9 Q. Were you teaching -- were you the librarian at</p> <p>10 Castle Park in January of 2001?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you believe that you became acquainted</p> <p>13 with me before this date?</p> <p>14 MS. ANGELL: Before what date? Vague and</p> <p>15 ambiguous.</p> <p>16 BY MS. LARKINS:</p> <p>17 Q. This date of January 23rd, 2001.</p> <p>18 A. I think so. I think you were a member of the</p> <p>19 staff for some time. Yeah.</p> <p>20 Q. Okay. When you say "a member of the staff for</p> <p>21 some time," do you mean as much as three and a half</p> <p>22 years?</p> <p>23 A. You know, I'm -- I'm not sure when you were</p> <p>24 hired on, but I remember you as being a part of the staff</p> <p>25 for some time there.</p>

4 (Pages 10 to 13)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schmach
November 10, 2004

<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. And by "some time" you mean a few years?</p> <p>2 A. A few years, yeah.</p> <p>3 Q. Okay. And you would not rule out the</p> <p>4 possibility that it was about three and a half years</p> <p>5 before this date?</p> <p>6 A. I don't know for sure. I had two staffs. And</p> <p>7 so I just, you know, remember you being a part of the</p> <p>8 Castle Park staff.</p> <p>9 Q. Okay. And do you remember that sometimes my</p> <p>10 kids wouldn't get their books turned in on library --</p> <p>11 before Library Day. And you would call my room and ask</p> <p>12 me to collect the library books from my students and send</p> <p>13 them over?</p> <p>14 A. That's general procedure, yeah. We can't be</p> <p>15 prepared for a class to come in, if we don't have the</p> <p>16 books checked in. We always like to have your overdue</p> <p>17 list ready and be prepared for you.</p> <p>18 Q. I am really not trying to say anything negative.</p> <p>19 I am just trying to help establish memories.</p> <p>20 A. Right.</p> <p>21 MS. ANGELL: And I am going to instruct the</p> <p>22 witness to listen to the question that's asked and</p> <p>23 respond only to the question that's asked, please.</p> <p>24 THE WITNESS: Okay. Okay.</p> <p>25 MS. LARKINS: Okay. Let's see. Okay. This is</p>	<p style="text-align: right;">Page 16</p> <p>1 BY MS. LARKINS:</p> <p>2 Q. Are you presently working full time at Castle</p> <p>3 Park?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Are you presently teaching second grade?</p> <p>6 A. Yes.</p> <p>7 Q. About how long have you been working full time</p> <p>8 at Castle Park?</p> <p>9 A. Two years. This is my second year.</p> <p>10 Q. Okay. Before you began to work full time at</p> <p>11 Castle Park two years ago, were you working half time for</p> <p>12 a number of years at Castle Park?</p> <p>13 A. Yes.</p> <p>14 Q. And when you were working half time for those</p> <p>15 years at Castle Park were you employed as a librarian?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have any idea about how long that period</p> <p>18 was when you were continually employed as a librarian</p> <p>19 half time at Castle Park just before you went into a</p> <p>20 second grade classroom at Castle Park?</p> <p>21 A. Because I have been at so many schools, I think</p> <p>22 it was about maybe 9 or 10 years.</p> <p>23 Q. Okay. When you were working half time at Castle</p> <p>24 Park, you weren't able to attend all staff meetings, were</p> <p>25 you?</p>
<p style="text-align: right;">Page 15</p> <p>1 Exhibit 2.</p> <p>2 Q. Okay. Some of the questions I ask I know the</p> <p>3 answers to, but we have to put them in the record.</p> <p>4 A. Uh-huh.</p> <p>5 Q. So I am going to ask you a question that sounds</p> <p>6 sort of silly coming from me.</p> <p>7 A. Okay.</p> <p>8 Q. Did you work half time at Castle Park?</p> <p>9 A. Yes. Uh-huh.</p> <p>10 Q. Okay.</p> <p>11 MS. ANGELL: Objection. Vague and ambiguous as</p> <p>12 to time, do you mean did she work the entire time that</p> <p>13 she ever worked at Castle Park half time during a 30-plus</p> <p>14 year time period.</p> <p>15 Do you see? Let me make my objection before you</p> <p>16 answer.</p> <p>17 THE WITNESS: Yeah. Yeah. Okay.</p> <p>18 MS. ANGELL: Okay?</p> <p>19 MS. LARKINS: Okay. Let me try again.</p> <p>20 MS. ANGELL: Are you striking the prior</p> <p>21 question?</p> <p>22 MS. LARKINS: Sure.</p> <p>23 MS. ANGELL: And the response?</p> <p>24 MS. LARKINS: Sure.</p> <p>25 MS. ANGELL: Okay.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No.</p> <p>2 Q. Okay. Did you attend some staff meetings at</p> <p>3 Castle Park during that time --</p> <p>4 A. Yes.</p> <p>5 Q. -- you were employed half time?</p> <p>6 Do you recall the staff ever discussing the</p> <p>7 Comer Program?</p> <p>8 A. Oh, yes.</p> <p>9 Q. Do you remember any of the basic principles of</p> <p>10 the Comer Program?</p> <p>11 A. Uh-huh. Both my schools were on Comer.</p> <p>12 MS. ANGELL: Stop.</p> <p>13 THE WITNESS: Okay. Yes, I do.</p> <p>14 MS. ANGELL: You have answered the question.</p> <p>15 BY MS. LARKINS:</p> <p>16 Q. Could you tell me what you remember to have been</p> <p>17 the basic principles of the Comer Program?</p> <p>18 MS. ANGELL: I am going to object that this line</p> <p>19 of questioning concerning a Comer Program is not</p> <p>20 reasonably calculated to lead to the discovery of</p> <p>21 admissible evidence in this case.</p> <p>22 Causes of action here relate to alleged labor</p> <p>23 code violations, conspiracy to slander and slander</p> <p>24 related to Mrs. Larkins' allegations that Robin Donlan</p> <p>25 and her brother agreed to access Plaintiff's arrest</p>

5 (Pages 14 to 17)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Scharmach
November 10, 2004

<p style="text-align: right;">Page 18</p> <p>1 records and disseminate information and, in fact, did 2 disseminate information from Plaintiff's arrest record. 3 There is also a cause of action against Does, 4 two of them, for intentional infliction of emotional 5 distress. And, therefore, the line of questioning 6 concerning the Comer Process is not relevant nor designed 7 to lead to the discovery of admissible evidence 8 concerning those causes of action. And we will provide 9 some small measure of latitude on exploring the issue to 10 see if you get to anything that's relevant. And, if not, 11 then I will ask you to move on. 12 MS. LARKINS: Okay. Shall we agree to stipulate 13 that the objection you just made will apply to all 14 questions today? 15 MS. ANGELL: That all of your questions are 16 neither relevant nor designed to lead to the discovery of 17 admissible evidence? 18 MS. LARKINS: Yes. 19 MS. ANGELL: Yes. 20 MS. LARKINS: Okay. Would you like to stipulate 21 also, Mr. Hersh? 22 MR. HERSH: Yes. Can you hear me? 23 MS. LARKINS: Yes, we can. 24 MR. HERSH: Okay. So stipulated. 25 MS. LARKINS: So stipulated. Okay. Now, let me</p>	<p style="text-align: right;">Page 20</p> <p>1 took it very seriously. And they followed the mandates 2 of the program. And there was a different buy-in at 3 Castle Park where it was a little more surface than 4 really in-depth commitment to the program. 5 Q. Do you remember a program at Castle Park called 6 Kingdoms? 7 A. Yes. 8 Q. Do you remember that there was conflict at 9 Castle Park among teachers regarding the Kingdoms 10 Program? 11 A. Yes. 12 Q. Was the conflict at Castle Park regarding the 13 Kingdoms Program partly over whether or not to have the 14 program? 15 A. Yes. 16 Q. Do you recall the time when the teachers voted 17 on whether or not to continue the Kingdoms Program? 18 A. Yes. 19 MS. ANGELL: I want to remind you to testify to 20 what you know. 21 THE WITNESS: I remember, yes. 22 MS. ANGELL: Okay. 23 BY MS. LARKINS: 24 Q. Do you remember more than one time when the 25 teachers voted on whether to continue the Kingdoms</p>
<p style="text-align: right;">Page 19</p> <p>1 see if I remember. Oh, oh, yes. 2 MS. ANGELL: If you want to withdraw the 3 question and start over, that would be one thing, or she 4 can maybe read it back. 5 MS. LARKINS: I will withdraw the question and 6 ask it again. 7 Q. What do you recall to have been the basic 8 principles of the Comer Program? 9 A. Agreement by consensus, giving people equal 10 chance to have an opinion on a subject, but I remember we 11 had the timer so that subjects were not allowed to go on 12 forever, that there was a no-blame policy, and that's the 13 general stuff that I really remember that I liked so much 14 about the program. Yes. 15 Q. What was the other school where you became 16 familiar with the Comer Program? 17 A. Silver Wing Elementary. 18 MS. ANGELL: Silver Wing? 19 THE WITNESS: Silver Wing, two words. 20 BY MS. LARKINS: 21 Q. Would you say that the Comer Program was more 22 successful at Silver Wing than it was at Castle Park? 23 A. Yes. 24 Q. In what way was it more successful? 25 A. I think the staff was more committed and they</p>	<p style="text-align: right;">Page 21</p> <p>1 Program? 2 A. Yes. 3 Q. Was the first time the teachers voted done by 4 secret ballot? 5 A. I don't recall. 6 Q. Okay. The first time the teachers voted did 7 they vote to discontinue the Kingdoms Program? 8 A. I don't recall whether that was the first vote 9 or not. 10 Q. Okay. 11 A. I just remember the discussions. 12 Q. Do you recall that a decision was made by the 13 Staff Parent Management Team to continue Kingdoms at 14 Castle Park? 15 A. Yes. 16 Q. Now that you have recalled this decision by the 17 SPMT, do you recall that that decision was overruling a 18 decision by the teachers to discontinue Kingdoms? 19 A. I don't recall. 20 Q. Okay. 21 A. I may have missed that meeting. 22 Q. Okay. 23 MS. ANGELL: I'd like to take a break, please. 24 MS. LARKINS: Certainly. 25 MS. ANGELL: Let's take a break for a minute.</p>

6 (Pages 18 to 21)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Scharmach
November 10, 2004

Page 22

1 MS. LARKINS: Is that all right with you,
2 Mr. Hersh?
3 MR. HERSH: I am sorry. I missed the question.
4 MS. ANGELL: Michael, we are just going to take
5 a real quick break.
6 MR. HERSH: Sure. Thanks.
7 VIDEOGRAPHER: We are going off the record. The
8 time is 10:42 a.m.
9 (A recess was taken.)
10 VIDEOGRAPHER: We are going on the record. The
11 time is 10:49 a.m.
12 MS. ANGELL: And Mrs. Scharmach needs to clarify
13 something that she said before we went off the record.
14 THE WITNESS: Okay. I don't -- you know, when
15 we discussed the decision that was made, I was just at
16 the staff meeting. I don't remember truly them stating
17 this organization, this group or this group, you know,
18 overrode a decision or made a decision. I just remember
19 it being announced that we were going to have Kingdoms.
20 MS. LARKINS: Okay.
21 THE WITNESS: I wasn't part of the program.
22 BY MS. LARKINS:
23 Q. Okay. Were you at a staff meeting when Roger
24 Cunningham came to the -- he was a Comer representative
25 and a retired principal from Chula Vista Schools and he

Page 23

1 came and talked to the staff about the fact that the SPMT
2 had decided that Kingdoms would continue and instruct the
3 staff on --
4 A. I don't recall that.
5 Q. -- how it should be handled?
6 A. No, I don't recall.
7 MS. ANGELL: I am going to instruct the witness
8 to wait until the question is asked, give me a chance to
9 object to it --
10 THE WITNESS: Okay.
11 MS. ANGELL: -- and refrain from doing head
12 nods, yes or no, because the poor court reporter over
13 there needs to be able to type everything down. And
14 that's also kind of interrupting, you know, even though
15 it doesn't seem like it.
16 THE WITNESS: Yeah. Okay.
17 MS. ANGELL: All right? So I will move to
18 strike the question as actually being testimony, because
19 it wasn't a question.
20 MS. LARKINS: I withdraw the question. Let's
21 sec.
22 Q. Are you afraid at this time that I might
23 physically harm you?
24 A. No.
25 MS. LARKINS: I am happy to hear that.

Page 24

1 MS. ANGELL: Move to strike Plaintiff's comment
2 after deponent's response to the question.
3 BY MS. LARKINS:
4 Q. Okay. Was there a time when you were afraid
5 that I might physically harm you?
6 A. No.
7 Q. Okay. Do you recall a time at the beginning of
8 a school year when there was a problem about scheduling
9 my class for library?
10 A. Uh-huh. Yes, I do.
11 Q. Okay. Did you -- what was the name of your aide
12 when you worked in the library?
13 A. Janet Clark.
14 Q. Okay. Do you recall discussing with Janet Clark
15 the problem of scheduling my library time?
16 A. Yes.
17 MS. ANGELL: I am going to ask the witness to
18 pause --
19 THE WITNESS: Okay.
20 MS. ANGELL: -- before answering and give me a
21 chance to object.
22 THE WITNESS: Okay.
23 MS. ANGELL: The question is vague and ambiguous
24 as to time. I think your testimony is that Janet Clark
25 was your aide the entire time that you were --

Page 25

1 THE WITNESS: Uh-huh. Uh-huh.
2 MS. ANGELL: -- hold off on answering until I
3 get my question out.
4 THE WITNESS: Okay. Okay.
5 MS. ANGELL: I know it's hard. It's not like
6 normal conversation.
7 THE WITNESS: Yeah. Okay.
8 MS. ANGELL: All right? Is it your testimony
9 that Janet Clark was your library aide the whole time
10 that you worked as a librarian at Castle Park Elementary
11 School?
12 THE WITNESS: She was -- no, she was not my aide
13 the whole time.
14 MS. ANGELL: Okay. Well, then I don't think
15 that she understood your question, Mrs. Larkins. Do you
16 want to clarify that point or should I?
17 MS. LARKINS: I withdraw the question.
18 MS. ANGELL: Okay.
19 MS. LARKINS: Did you have any objections to the
20 question about -- you know what? I am going to reask
21 everything about Janet Clark.
22 MS. ANGELL: Thank you. It was confusing.
23 MS. LARKINS: Okay.
24 Q. Was it only one year when there was a problem
25 with scheduling my class for library time?

7 (Pages 22 to 25)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schrmach
November 10, 2004

<p style="text-align: right;">Page 26</p> <p>1 A. That's the only year I recall.</p> <p>2 Q. Okay. During the year where you recall that</p> <p>3 there was a problem with scheduling my class --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- did you discuss the problem with Janet Clark?</p> <p>6 A. Yes. We discussed all scheduling problems.</p> <p>7 Q. Okay. Did I -- rather did my class miss their</p> <p>8 first lesson of the year that year when there was a</p> <p>9 problem scheduling my class?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did Janet Clark tell you that she told me</p> <p>12 afterward that my class had missed their lesson?</p> <p>13 MS. ANGELL: Objection. Vague and ambiguous as</p> <p>14 to time. Did Janet tell her when?</p> <p>15 MS. LARKINS: Okay. Strike the question. I am</p> <p>16 trying to figure out how to ask this.</p> <p>17 Q. Do you know how I found out that my class had</p> <p>18 missed their library time?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you recall why I wasn't told when my</p> <p>21 library time was?</p> <p>22 MS. ANGELL: Objection. Assumes facts not in</p> <p>23 evidence.</p> <p>24 MS. LARKINS: Okay.</p> <p>25 MS. ANGELL: And it's argumentative.</p>	<p style="text-align: right;">Page 28</p> <p>1 or they want a block of time, they would do that within,</p> <p>2 you know, themselves. And then Jan and I could be</p> <p>3 working on the automation so we could open as soon as</p> <p>4 possible.</p> <p>5 So, it was posted a month, and after a month we</p> <p>6 took it down, put it into the computer and distributed a</p> <p>7 schedule to everybody. So, and when we discovered we had</p> <p>8 missed you, we really did feel bad, but it was at the</p> <p>9 beginning of a workday. And we had classes back to back</p> <p>10 to back in the library. And we had written you a little</p> <p>11 note: "We have got to get together with you and schedule</p> <p>12 a time. Okay?"</p> <p>13 Q. I distinctly recall the little note that you</p> <p>14 wrote. Was the note that you wrote on a small blue</p> <p>15 paper?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay. Did you not start library classes until a</p> <p>18 month had passed?</p> <p>19 A. That's right. "We were automating. (Witness</p> <p>20 nods head.)</p> <p>21 Q. Okay.</p> <p>22 A. And the schedule was posted for that month in</p> <p>23 the lounge. And that was the decision of the staff</p> <p>24 meeting and of the teachers as a body. And so everybody</p> <p>25 had a chance and there were lots of changes, you know, to</p>
<p style="text-align: right;">Page 27</p> <p>1 MS. LARKINS: Okay. Let me strike that and try</p> <p>2 again.</p> <p>3 THE WITNESS: Uh-huh.</p> <p>4 MS. ANGELL: You could ask her if she told you</p> <p>5 or directed someone to tell you or something like that.</p> <p>6 BY MS. LARKINS:</p> <p>7 Q. Do you know why my class missed their first</p> <p>8 library lesson that year?</p> <p>9 A. You weren't on the schedule. The schedule was</p> <p>10 distributed at the beginning of, you know, that month.</p> <p>11 And we missed it. We were automating the library. We</p> <p>12 were just head over heels in data. And so we had made a</p> <p>13 different decision as to scheduling that year at the</p> <p>14 very, very first staff meeting. And we had said -- it</p> <p>15 was the decision of the staff to post the schedule in the</p> <p>16 lounge and that everybody would sign up on their own that</p> <p>17 year.</p> <p>18 Usually I take, you know, a sheet and I go from</p> <p>19 classroom to classroom. That year, because we were</p> <p>20 automating, you know, they didn't want to lose a day of</p> <p>21 my time, which is a lot of time when you're only every</p> <p>22 other week with me walking around, you know, with a</p> <p>23 clipboard. So they said, "Just post it in the lounge."</p> <p>24 And then everybody would write in pencil. And</p> <p>25 then, if they have team meetings and they want to change</p>	<p style="text-align: right;">Page 29</p> <p>1 put in the time that was best for them.</p> <p>2 MS. ANGELL: I am going to ask the witness to</p> <p>3 please --</p> <p>4 THE WITNESS: Yes.</p> <p>5 MS. ANGELL: -- listen to the question that's</p> <p>6 asked --</p> <p>7 THE WITNESS: Okay.</p> <p>8 MS. ANGELL: -- and respond only to the question</p> <p>9 that's asked, instead of giving an explanatory narrative.</p> <p>10 If Plaintiff needs some additional information, she is</p> <p>11 going to ask you for it. Okay?</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MS. LARKINS:</p> <p>14 Q. Okay. Did I write my name on the schedule?</p> <p>15 A. No.</p> <p>16 Q. Are you sure?</p> <p>17 MS. ANGELL: Objection. Argumentative.</p> <p>18 THE WITNESS: I am not.</p> <p>19 BY MS. LARKINS:</p> <p>20 Q. Okay. When you say that I didn't write my name</p> <p>21 on the schedule, do you say that with absolute certainty?</p> <p>22 A. I can't be absolutely certain. I don't have it</p> <p>23 here.</p> <p>24 Q. Okay. So you think it's possible that I had</p> <p>25 written my name and that you had forgotten that fact?</p>

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schrmach
November 10, 2004

Page 30

1 MR. HERSH: Objection. Calls for speculation.
2 MS. ANGELL: And argumentative.
3 BY MS. LARKINS:
4 Q. Okay. Well, I think I have got the information
5 I need when you say you're not absolutely sure.
6 A. Uh-huh.
7 Q. Okay.
8 MS. ANGELL: Move to strike Plaintiff's comments
9 after the witness' response. No question pending.
10 MS. LARKINS: Okay.
11 Q. Did Jan Clark tell you that she had seen me in
12 the lounge at recess and had directed me to find the note
13 in my mailbox about my library time?
14 MS. ANGELL: Objection. Compound and
15 conjunctive. Do you want to ask one part of it at a time
16 so she can answer?
17 MS. LARKINS: It's not compound and it's not
18 conjunctive.
19 MS. ANGELL: Yes, it is. You asked her did she
20 tell you this and this. You can ask one thing at a
21 time -- "Did she tell you the sky you was blue; did she
22 tell you the light was green" -- instead of, "Did she
23 tell you the sky was blue and the light was green?"
24 MS. LARKINS: Please listen carefully,
25 Ms. Angell, to the questions so that we don't waste time

Page 31

1 with your making mistaken objections to questions.
2 MS. ANGELL: Can we have the question read back,
3 please?
4 THE REPORTER: "Question: Did Jan Clark tell
5 you that she had seen me in the lounge at recess and had
6 directed me to find the note in my mailbox about my
7 library time?"
8 MS. LARKINS: I stand corrected.
9 Q. Did Jan Clark tell you that she had directed me
10 to find the note in my mailbox about my library time?
11 A. I don't recall.
12 Q. Okay. How many library sessions did my class
13 miss that year?
14 A. One, that I recall, and we made that up.
15 Q. Yes, I believe we made that up in January of
16 2001.
17 MS. ANGELL: Objection as to Plaintiff's
18 testifying on the record. Do not base your responses on
19 anything that Plaintiff tells you.
20 THE WITNESS: Okay.
21 MS. ANGELL: You're here to give your testimony
22 on what you know and remember, not the version of the
23 facts that Plaintiff wants to tell you she thinks
24 occurred.
25 THE WITNESS: Uh-huh. Okay.

Page 32

1 BY MS. LARKINS:
2 Q. Did you ever ask Rick Werlin to obtain a
3 restraining order against me?
4 MS. ANGELL: Objection. Seeks to invade
5 attorney-client insofar as it seeks to invade attorney-
6 client privilege. If the issue was discussed during a
7 meeting at which counsel were present, that's not part of
8 your knowledge for purposes of this deposition and you're
9 directed not to respond.
10 THE WITNESS: Okay.
11 MS. ANGELL: So, if you had some sort of
12 conversation with Mr. Werlin other than during meetings
13 with counsel on the issue and other than at the direction
14 of counsel on the issue, then you can respond. But if
15 it's an attorney-client issue, then no response to that.
16 THE WITNESS: Okay.
17 BY MS. LARKINS:
18 Q. Did you ever meet with Rick Werlin to discuss me
19 without any lawyers present?
20 A. Yes.
21 Q. About how many times did you meet with Rick
22 Werlin to discuss me without any lawyers present?
23 A. I don't recall. One or two times.
24 Q. Okay.
25 MS. ANGELL: And I am going to instruct the

Page 33

1 witness that with regard to questions that were posed to
2 you or were or were not posed to you by Rick Werlin or
3 anybody --
4 THE WITNESS: Uh-huh.
5 MS. ANGELL: -- insofar as questions were posed
6 to you at the direction of counsel in relation to the
7 litigation brought by Ms. Larkins, you're not to respond.
8 THE WITNESS: Okay.
9 MS. ANGELL: So, do you understand what I am
10 saying?
11 THE WITNESS: I am not sure.
12 MS. ANGELL: Well, attorney-client
13 communications --
14 THE WITNESS: Uh-huh.
15 MS. ANGELL: -- and since Ms. Larkins sued you
16 some time ago in this litigation, although you're no
17 longer a defendant, so any discussions that you had with
18 counsel, but also it's called attorney work product and
19 it's a particular privilege. But an attorney's thoughts
20 and impressions are not available for opposing parties
21 to peruse.
22 THE WITNESS: Uh-huh. Okay.
23 MS. ANGELL: So, if counsel directed questions
24 to be asked of you --
25 THE WITNESS: Uh-huh.

9 (Pages 30 to 33)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schrmach
November 10, 2004

<p style="text-align: right;">Page 34</p> <p>1 MS. ANGELL: -- then counsel's thought processes 2 and investigating are not opened for Mrs. Larkins to 3 explore. 4 THE WITNESS: Okay. 5 MS. ANGELL: So, why don't you confine your 6 responses on this to the time before January of 2002 when 7 this litigation started and we will see if that's 8 satisfactory to Mrs. Larkins. 9 BY MS. LARKINS: 10 Q. Okay. So I am only going to be asking you about 11 discussions when there were no lawyers present. 12 A. (Witness nods head.) 13 Q. Okay. Let's strike the last question and I'll 14 try to ask it again. When you met with Richard Werlin to 15 discuss me without any lawyers present, did you ask him 16 to get a restraining order against me? 17 A. No, I did not ask for that. I was concerned. 18 MS. ANGELL: I am going to instruct the witness 19 to answer the question that's asked. You have already 20 answered it, so please stop talking. 21 THE WITNESS: Yeah. 22 BY MS. LARKINS: 23 Q. I was going to ask you anyway. Why did you meet 24 with Rick Werlin regarding me without any lawyers 25 present?</p>	<p style="text-align: right;">Page 36</p> <p>1 THE WITNESS: Okay. 2 MS. LARKINS: And, to make this simple, neither 3 do I. I am going to a time before I filed the lawsuit. 4 THE WITNESS: Uh-huh. 5 MS. ANGELL: So you mean January 2002 or 6 previous; is that correct? 7 MS. LARKINS: We can -- let's just confine this 8 to 2001. 9 Q. Before I ever sued anybody, did you meet with 10 Richard Werlin to discuss me without lawyers present? 11 A. I don't recall. 12 Q. Okay. Was there ever a time when you felt I 13 might harm you physically? 14 MS. ANGELL: Objection. Asked and answered. 15 You have already answered the question. You don't need 16 to respond to it multiple times. 17 THE WITNESS: Okay. 18 MS. LARKINS: Okay. Fine. 19 MS. ANGELL: You know what? I think I am wrong. 20 I think your prior question was whether she feared that 21 you would harm her physically. So, I am sorry. This 22 question was whether you felt that she would harm you 23 physically. 24 THE WITNESS: No. 25 MS. LARKINS: I'd like to ask that this document</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I was not always at the meetings. I had two 2 schools. So, if I missed a meeting that concerned this, 3 this problem where the other teachers were included, then 4 he would come and just inform me of what had happened at 5 that meeting. Okay? Because I was a part of the group 6 and I couldn't be there, because they would not release 7 me from my other school. 8 So, it was strictly on an informative kind of 9 thing. You know, "This is what happened at the meeting. 10 Do you have a question?" 11 MS. ANGELL: Do you mean part of the group of 12 people that Mrs. Larkins sued? 13 THE WITNESS: Yes. 14 MS. ANGELL: So these meetings were concerning 15 the litigation? 16 THE WITNESS: Right. 17 MS. ANGELL: All right. I don't want you 18 answering any questions concerning meetings held with 19 lawyers or in relation to comments made by lawyers. 20 THE WITNESS: Okay. 21 MS. ANGELL: All right? That's attorney-client 22 privilege -- 23 THE WITNESS: Okay. Okay. 24 MS. ANGELL: -- and attorney work product and 25 you're not to give her that information.</p>	<p style="text-align: right;">Page 37</p> <p>1 be labeled Exhibit 3. And I would like to ask that this 2 exhibit be labeled Exhibit 4. 3 (Exhibits 3 and 4 were marked.) 4 MS. ANGELL: Mrs. Schrmach, have you seen 5 Exhibit 3 before today? 6 THE WITNESS: No. I -- I don't know if I -- 7 well, I am not sure. 8 MS. ANGELL: Do you need a break? 9 THE WITNESS: Yeah. Let's break and talk about 10 this a minute. 11 MS. ANGELL: Okay. And I have to go to the 12 bathroom anyway. Excuse me. 13 THE WITNESS: Okay. 14 VIDEOGRAPHER: We remember going off the record. 15 The time is 11:11 a.m. 16 (A recess was taken.) 17 VIDEOGRAPHER: We are going on the record. The 18 time is 11:33 a.m. 19 BY MS. LARKINS: 20 Q. Okay. Let's look back at Exhibits 3 and 4. 21 After having some time to look at them, do they seem 22 familiar to you now? 23 A. I don't remember writing them. It was a long 24 time ago, but what it did do is take me back to the 25 feelings that I felt at the time.</p>

10 (Pages 34 to 37)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Scharmach
November 10, 2004

Page 38

1 Q. Uh-huh.
2 A. And that was, you know, good, because over time
3 you forget things and you forget the urgency you might
4 have felt at the time. So, I don't remember writing
5 them, but I do remember the feelings now that I was
6 experiencing at the time.
7 Q. Do you now remember that you were afraid that I
8 might physically harm you?
9 A. I was very uncomfortable with you coming to my
10 home. I thought it was inappropriate. And I guess that
11 I was uncomfortable with -- you know, I guess maybe I did
12 think you might in some way intimidate me. Okay?
13 Q. Okay.
14 A. In some way intimidate me, yeah.
15 Q. And, now that your memory has been refreshed, do
16 you recall asking Richard Werlin in a meeting where there
17 was no lawyers present to obtain a restraining order
18 against me?
19 A. I don't remember asking him to do that. No.
20 Q. Do you remember discussing with other teachers
21 in 2001 the idea of getting a restraining order against
22 me?
23 MS. ANGELL: And you mean other than
24 conversation concerning attorney-client privileged
25 meetings and attorney work product, meaning direction

Page 39

1 given by the attorneys?
2 MS. LARKINS: Yes.
3 MS. ANGELL: So anything that is direction given
4 by the attorneys --
5 THE WITNESS: Uh-huh.
6 MS. ANGELL: -- if you were told to discuss with
7 your boss, Mr. Werlin -- I am assuming he was your
8 boss -- with Mr. Werlin, or if the attorneys told you to
9 do anything, she can't ask about that. So just -- she
10 means separate. And, if you can't distinguish whether
11 something was done at the direction of counsel or not,
12 then don't answer it. Okay?
13 THE WITNESS: Okay.
14 MS. ANGELL: Do your best, though.
15 MS. LARKINS: Are you directing your client to
16 simply say, "I can't answer that because of attorney-
17 client privilege"?
18 MS. ANGELL: I am instructing her that when
19 something is attorney-client privileged, as I have
20 already said on the record twice or three times now, or
21 if things are attorney work product -- and she is not a
22 lawyer, so that's hard for her to distinguish, but I
23 tried to explain it by saying, if something is being done
24 at the direction of counsel, then she is not to respond
25 to that question at all.

Page 40

1 MS. LARKINS: Okay. So, let's say an attorney
2 instructed her to discuss Maura Larkins with her fellow
3 staff members when the attorney was not present. She
4 should not tell me about that; is that your --
5 MS. ANGELL: It depends. Why don't you ask a
6 specific question and I will evaluate the questions as
7 they come.
8 MS. LARKINS: Okay. I am going to try to ask
9 that last one again.
10 Q. Did you ever discuss with other teachers,
11 without an attorney present, the idea of asking for a
12 restraining order against me?
13 MS. ANGELL: If there was such a discussion and
14 it was at the direction of counsel and you were acting on
15 counsel's direction in doing whatever it was --
16 THE WITNESS: Uh-huh.
17 MS. ANGELL: -- the things that you're directed
18 to do by counsel and conversations with counsel are not
19 part of your knowledge for purposes of depositions.
20 Okay?
21 THE WITNESS: Okay. I think I discussed it
22 primarily with Rick Werlin and the counsel.
23 MS. ANGELL: And you're not going to discuss
24 anything that you talked about with counsel. So --
25 THE WITNESS: Okay.

Page 41

1 MS. ANGELL: -- she doesn't get to find out what
2 you talked about with counsel. All right?
3 THE WITNESS: Okay.
4 MS. ANGELL: If you talked with counsel about
5 your house being pink, she doesn't get to find out about
6 that you discussed the color of your house with counsel.
7 THE WITNESS: When this occurred, I called Rick
8 right away, the next day.
9 MS. ANGELL: When what occurred?
10 THE WITNESS: When Maura came to my house,
11 because that concerned me. And then in the discussion it
12 was suggested that we do this. Okay?
13 BY MS. LARKINS:
14 Q. Was there an attorney present during this
15 discussion?
16 A. With Rick?
17 Q. (Ms. Larkins nods head.)
18 MS. ANGELL: Do you know whether Mr. Werlin had
19 an attorney in his office while he was talking to you?
20 THE WITNESS: I don't know.
21 MS. ANGELL: Do you know whether or not
22 Mr. Werlin was acting on advice of counsel in discussing
23 a restraining order with you?
24 THE WITNESS: I don't know.
25 MS. ANGELL: Did he tell you that he was acting

11 (Pages 38 to 41)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Schmach
November 10, 2004

<p style="text-align: right;">Page 42</p> <p>1 on advice of counsel concerning a restraining order?</p> <p>2 THE WITNESS: He got back to me after a day or</p> <p>3 so.</p> <p>4 MS. ANGELL: All right. Well, then I am going</p> <p>5 to instruct you not to answer.</p> <p>6 THE WITNESS: Okay. Okay.</p> <p>7 BY MS. LARKINS:</p> <p>8 Q. Okay. Ms. Schmach, do you believe that you</p> <p>9 did write these letters that are in Exhibits 3 and 4?</p> <p>10 A. I don't recall writing them.</p> <p>11 Q. Do you believe that Janet Clark may have written</p> <p>12 them?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 MS. ANGELL: And, by the way, I am renewing my</p> <p>16 objection that this is all irrelevant to the causes of</p> <p>17 action here and you're going to get a couple of more</p> <p>18 minutes on this stuff and then I am going to ask you to</p> <p>19 move on to something else.</p> <p>20 MS. LARKINS: Okay. I'd like to ask that these</p> <p>21 four pages be labeled Exhibit 5.</p> <p>22 (Exhibit 5 was marked for identification.)</p> <p>23 MS. ANGELL: Is this big one with the cat on it</p> <p>24 the first page of Exhibit 5?</p> <p>25 MS. LARKINS: Yes. Let's call it that.</p>	<p style="text-align: right;">Page 44</p> <p>1 question.</p> <p>2 Q. How did you feel about this document when you</p> <p>3 first saw it?</p> <p>4 A. The document or the card?</p> <p>5 Q. The card.</p> <p>6 A. Just this?</p> <p>7 Q. Yes.</p> <p>8 A. Just this.</p> <p>9 MS. ANGELL: You mean the day when you showed up</p> <p>10 at her house and handed it to her?</p> <p>11 THE WITNESS: Yeah.</p> <p>12 MS. ANGELL: Is that what you mean?</p> <p>13 MS. LARKINS: We will get to that in a minute,</p> <p>14 but --</p> <p>15 MS. ANGELL: Well, I'm telling you I think the</p> <p>16 question is vague and I am asking for clarification.</p> <p>17 MS. LARKINS: Okay. Let's try it again.</p> <p>18 Q. When did you first see this document?</p> <p>19 A. When you came to my home and you gave me this</p> <p>20 document and this letter.</p> <p>21 Q. Okay. Do you remember looking at the card --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- on that night?</p> <p>24 A. Uh-huh.</p> <p>25 Q. What sort of message did you think was intended</p>
<p style="text-align: right;">Page 43</p> <p>1 THE WITNESS: I remember this letter.</p> <p>2 BY MS. LARKINS:</p> <p>3 Q. Does this four-page document that's labeled as</p> <p>4 Exhibit 5 look familiar to you?</p> <p>5 A. Yes. I remember this.</p> <p>6 Q. Can you tell me when you first became familiar</p> <p>7 with this document?</p> <p>8 A. Isn't this a letter that you brought to my home?</p> <p>9 Q. Uh-huh.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Okay. And do you recall that the first page was</p> <p>12 printed on thick paper, thick stock paper similar to the</p> <p>13 exhibit that you have now?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Okay. Did this -- Page 1 of this exhibit, did</p> <p>16 you find this threatening?</p> <p>17 A. No.</p> <p>18 Q. What did you -- how did you interpret this Page</p> <p>19 1 of this document --</p> <p>20 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>21 BY MS. LARKINS:</p> <p>22 Q. -- when you first saw it?</p> <p>23 MS. ANGELL: I don't understand what you mean:</p> <p>24 How did you interpret it?</p> <p>25 MS. LARKINS: How did you -- strike my previous</p>	<p style="text-align: right;">Page 45</p> <p>1 by me when I gave you this card?</p> <p>2 A. I didn't know. I was surprised, because to me</p> <p>3 that's a very friendly greeting. I was surprised, but I</p> <p>4 wasn't sure what the intent of it was.</p> <p>5 Q. Did you think that there might be some -- some</p> <p>6 hidden intent other than a friendly greeting?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And why did you think that?</p> <p>9 MS. ANGELL: Before you continue responding to</p> <p>10 that, I want you to have the opportunity to review the</p> <p>11 text --</p> <p>12 THE WITNESS: Okay.</p> <p>13 MS. ANGELL: -- of Pages 2 through 4 of this</p> <p>14 exhibit, because you're being asked questions about how</p> <p>15 you felt about it and I didn't see you read it.</p> <p>16 THE WITNESS: Okay. I need to read it again.</p> <p>17 MS. ANGELL: And that's going to be my copy. So</p> <p>18 she didn't bring a copy for me of this little packet,</p> <p>19 Exhibit 5.</p> <p>20 THE WITNESS: Uh-huh.</p> <p>21 MS. ANGELL: Have you finished reviewing it,</p> <p>22 Ms. Schmach?</p> <p>23 THE WITNESS: Uh-huh.</p> <p>24 MS. ANGELL: Can you pose your next question,</p> <p>25 Mrs. Larkins? She is done reading it.</p>

12 (Pages 42 to 45)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Scharmach
November 10, 2004

Page 46

1 MS. LARKINS: Just a second.
2 Q. Okay. Do you recall the first time you read
3 this letter?
4 A. Uh-huh.
5 Q. How did you feel when you read it?
6 A. A little angry, because I didn't agree with your
7 evaluation of the incident. Going back in my thinking, I
8 had great concern, because I thought that there were
9 innuendos that I -- you know, that were hidden underneath
10 the sentences. And I thought, you know, I really need to
11 discuss this with someone and see if I understand what's
12 being discussed here.
13 But mainly I felt that you and I have a
14 different interpretation of what happened that day. I
15 felt that I was surprised by some of your comments, in
16 particular, because it wasn't the way I perceived what
17 happened that day. And the fact that we really did lean
18 over backwards to give you an immediate -- as I remember
19 it, the next week or the week after you had a double
20 library time so that we could, you know, make that time
21 up to your children.
22 So, you know, you were making allegations that
23 were different from my recollection of the incident we
24 had together. Okay? And also the suggestions of my
25 intent, the intent for my actions in this, surprised me,

Page 47

1 because they aren't intentions I would have, certainly
2 not towards staff members, you know. So --
3 Q. Okay. Were you surprised when I was removed
4 from my classroom at Castle Park Elementary?
5 MS. ANGELL: Objection. Not relevant. Calls
6 for -- oh, it's an incomplete hypothetical. It assumes
7 facts not in evidence. There is no testimony that this
8 witness knows that you were, quote, removed from your
9 classroom at Castle Park Elementary.
10 BY MS. LARKINS:
11 Q. Did there come a time when you became aware that
12 I had been removed by Rick Werlin from my classroom at
13 Castle Park Elementary?
14 MS. ANGELL: You mean other than in the course
15 of this litigation and through attorney-client privilege
16 and attorney work product conversations and information?
17 MS. LARKINS: Yes.
18 THE WITNESS: Yes.
19 BY MS. LARKINS:
20 Q. Okay. And what did you understand was the
21 reason I had been removed?
22 MS. ANGELL: Other than attorney-client
23 conversations. You understand that she is asking you
24 about stuff that you have not discussed with counsel.
25 THE WITNESS: Okay.

Page 48

1 MS. LARKINS: May I clarify this?
2 MS. ANGELL: Please.
3 MS. LARKINS: If she obtained information before
4 she ever met any lawyers in this case and then she
5 discussed this information with the lawyers, are you
6 telling her that she should not -- she is not required by
7 the California law to reveal that information?
8 MS. ANGELL: No.
9 MS. LARKINS: Good.
10 MS. ANGELL: I don't hardly even understand your
11 question. You have no idea when lawyers were first
12 brought in on your case. You're asking this person, who
13 also has no idea when lawyers were first brought in with
14 regard to you, to talk about things that I don't think
15 that she had any knowledge of before she talked with
16 counsel about it. So, I am making sure that you
17 understand that the questions being posed to you always
18 exclude anything that you discussed with counsel.
19 Conversations you had with counsel, information given to
20 you by counsel that you didn't already have, that's not
21 part of your body of knowledge and you will not testify
22 to it today.
23 THE WITNESS: Okay.
24 MS. ANGELL: So, if somebody besides counsel or
25 in the course of defending against this litigation told

Page 49

1 you that Mrs. Larkins was removed from her classroom or
2 taken out of her classroom, I think, were her words, or
3 if they told you that the sky was purple, because
4 Ms. Larkins made it that way or, you know, that
5 Ms. Larkins was on sick leave or something like that --
6 THE WITNESS: Uh-huh.
7 MS. ANGELL: -- if it's not something --
8 information given to you by counsel or in defense related
9 to this matter, well, then she can ask you about it.
10 But, if it was given to you by counsel or in relation to
11 defense of this matter, then you're not to answer. It's
12 not part of your body of knowledge.
13 Do you understand that?
14 THE WITNESS: Uh-huh.
15 MS. ANGELL: Okay.
16 MS. LARKINS: Okay. Speaking not as the
17 Plaintiff, but as a person representing myself, I'd like
18 to remind you, Ms. Angell, that your associate, Dan
19 Shinoff, told me in your presence that he became involved
20 in this case on October 4th, 2001.
21 MS. ANGELL: Move to strike. No question
22 pending. Disregard every comment like that made from
23 her. Okay? She is not giving testimony. Don't let her
24 comments guide what you say. You just testify what you
25 know about. Okay?

13 (Pages 46 to 49)

Larkins v. Werlin, et al.
Case No. GIC 781970

Deposition of Michele Leon-Scharmach
November 10, 2004

<p style="text-align: right;">Page 50</p> <p>1 THE WITNESS: Okay.</p> <p>2 MS. LARKINS: I don't think there is any need to</p> <p>3 strike Ms. Angell's statement that I have no idea when</p> <p>4 lawyers became involved in this case. We can just leave</p> <p>5 it there.</p> <p>6 MS. ANGELL: Move to strike.</p> <p>7 MS. LARKINS: Okay. You are under oath.</p> <p>8 MS. ANGELL: Objection. Argumentative.</p> <p>9 MS. LARKINS: It appears that Ms. Angell is</p> <p>10 trying to get you to hide information that you are</p> <p>11 lawfully required to give at this --</p> <p>12 MS. ANGELL: Objection. Argumentative. If you</p> <p>13 can't control yourself, we are going to leave. So, if</p> <p>14 you want to ask questions without being argumentative,</p> <p>15 please have at it.</p> <p>16 MS. LARKINS: Okay. Well, that would be</p> <p>17 interesting if you got up and left.</p> <p>18 MS. ANGELL: Since you haven't asked a single</p> <p>19 question yet that's relevant to the allegations in this</p> <p>20 litigation, your time is running short. So I would</p> <p>21 suggest that you get to it, that you stop being</p> <p>22 argumentative with the witness, and that you get to a</p> <p>23 question that has something to do with the allegations in</p> <p>24 this case. We have been here for -- well, we got here</p> <p>25 before you did, but we have been going since about 10:17</p>	<p style="text-align: right;">Page 52</p> <p>1 something to do with some allegation in the complaint,</p> <p>2 please, not dismissed allegations, not things that have</p> <p>3 already been dismissed on demurrer.</p> <p>4 We have allegations of Labor Code violations,</p> <p>5 conspiracy to slander and intentional infliction of</p> <p>6 emotional distress related to a grand jury subpoena.</p> <p>7 That's it. So, can we please get to something that's</p> <p>8 relevant?</p> <p>9 And the witness is directed that, again,</p> <p>10 comments made by Mrs. Larkins -- just pretend that it's</p> <p>11 white noise: I mean, anything she is telling me has</p> <p>12 nothing to do with your testimony. Okay?</p> <p>13 THE WITNESS: Okay.</p> <p>14 BY MS. LARKINS:</p> <p>15 Q. Before lawyers were involved in this case --</p> <p>16 A. Uh-huh. Uh-huh.</p> <p>17 Q. -- did you learn why I had been taken out of my</p> <p>18 classroom?</p> <p>19 MS. ANGELL: Objection. Lacks foundation.</p> <p>20 Would you like to ask her if she knows when lawyers</p> <p>21 became involved in this case and what "this case" is?</p> <p>22 Because I think you're talking about your dismissal, in</p> <p>23 addition to this litigation. And I don't know that this</p> <p>24 witness has any information about when lawyers became</p> <p>25 involved in your dismissal.</p>
<p style="text-align: right;">Page 51</p> <p>1 this morning and it's now five till 12:00. So, if you</p> <p>2 can get to something that's relevant, that would be</p> <p>3 great.</p> <p>4 MS. LARKINS: Ms. Angell, it's very, very</p> <p>5 difficult for me to get to anything that you consider</p> <p>6 relevant in this case, because you have stated again and</p> <p>7 again that all events which occurred at Chula Vista</p> <p>8 Elementary School District are irrelevant to this case.</p> <p>9 On the other hand, events at Chula Vista</p> <p>10 Elementary School District constitute my entire argument</p> <p>11 in this case. My presentation to the jury in this case</p> <p>12 will involve almost entirely events which occurred at</p> <p>13 Chula Vista Elementary School District.</p> <p>14 I think it would be very exciting if you got up</p> <p>15 and left, but I think it's an empty threat and I think</p> <p>16 you're just trying to intimidate me, because I am an in</p> <p>17 pro per plaintiff.</p> <p>18 MS. ANGELL: Move to strike. No question</p> <p>19 pending. If you have a question for the witness, please</p> <p>20 ask it. And, if you don't have a question, let me know</p> <p>21 and we will leave.</p> <p>22 MS. LARKINS: I have many, many questions</p> <p>23 for this witness.</p> <p>24 MS. ANGELL: Well, then please proceed with</p> <p>25 questioning the witness about something that has</p>	<p style="text-align: right;">Page 53</p> <p>1 MS. LARKINS: Okay.</p> <p>2 MS. ANGELL: And I also don't know whether this</p> <p>3 witness has any information concerning when lawyers got</p> <p>4 involved in this case. I mean I know she was a defendant</p> <p>5 at some point. You can ask her those questions to lay a</p> <p>6 foundation, if you'd like.</p> <p>7 MS. LARKINS: Okay. I am going to try again.</p> <p>8 Q. Before you ever spoke to a lawyer about me, did</p> <p>9 anyone tell you why I had been taken out of my classroom?</p> <p>10 A. I don't recall. I don't recall. (Witness</p> <p>11 shakes head.) I was at two schools. And I came back and</p> <p>12 you weren't there, as I recall.</p> <p>13 Q. Okay. You said that when I brought this card</p> <p>14 and letter to you --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- that you were surprised to see me.</p> <p>17 A. Uh-huh.</p> <p>18 Q. Is that because you thought that perhaps I had</p> <p>19 died?</p> <p>20 A. No. Because we were involved in a litigation</p> <p>21 and I was surprised to see you there. You know, I</p> <p>22 thought that, um, that was an unusual circumstance.</p> <p>23 Q. Okay. Tell me about what you mean by saying,</p> <p>24 "We were involved in a litigation."</p> <p>25 A. Well, there was a lawsuit pending, wasn't there?</p>

14 (Pages 50 to 53)

Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

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

MAURA LARKINS,

Plaintiff,

-vs.

RICHARD T. WERLIN, etc.,
et al.,

Defendants.*

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* Case No. GIC 781970
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DEPOSITION OF RICHARD DENMON
Taken at San Diego, California
November 30, 2004

T. A. Martin, CSR
Certificate No. 3613

Page 2

1
2 I-N-D-E-X
3 DEPOSITION OF RICHARD DENMON PAGE
4 November 30, 2004
5 Examination by Ms. Larkins 5
6 Examination by Ms. Angell 90
7 EXHIBITS: PAGE
8 1 Two-page handwritten document 55
9
10 RECORD MARKED AT THE REQUEST OF MS. ANGELL LINE/PAGE
11 16 35
12
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18
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Page 3

1 DEPOSITION OF RICHARD DENMON
2 Pursuant to Notice to Take Deposition, and on
3 the 30th day of November, 2004, commencing at the hour of
4 10:00 o'clock a.m., at 319 Elm Street, Suite 100, in the
5 City and County of San Diego, State of California, before
6 me, T. A. Martin, Certified Shorthand Reporter in and for
7 the State of California, personally appeared:
8 RICHARD DENMON,
9 who, called as a witness by the Plaintiff, being by me
10 first duly sworn, was thereupon examined as a witness in
11 said cause.
12
13 APPEARANCES
14 For the Plaintiff: MAURA LARKINS
15 1935 Autocross Court
16 El Cajon, California 92109
17 (In Propria Persona)
18 For Chula Vista CALIFORNIA TEACHERS ASSOCIATION
19 Educators, California By: MICHAEL HERSH
20 Teachers Association, 11745 East Telegraph Road
21 Virginia Boyd and Post Office Box 2153
22 Timothy O'Neil: Santa Fe Springs, California 90670
23 (Appearing telephonically.)
24 For Robin Donlan STUTZ, ARTIANO, SHINOFF & HOLTZ
25 and Linda Watson: By: KELLY R. ANGELL
401 West "A" Street, 15th Floor
San Diego, California 92101
Videographer: Gregg Eisman, Videographics

Page 4

1 (Reporter's note: Reporter's clock was out of
2 sync with video; time stamping codes reveal one hour
3 earlier than actual time.)
4 VIDEOGRAPHER: This is the video deposition of
5 Richard Denmon, being taken on behalf of the plaintiff in
6 the matter of Maura Larkins versus Richard T. Werlin,
7 etcetera, et al., San Diego Superior Court Case No. GIC
8 781970. This deposition is being held in the office of
9 San Diego Court Reporting, located at 319 Elm Street,
10 Suite 100, San Diego, California. Today is Tuesday,
11 November 30, 2004, and the time is now 10:21 a.m.
12 My name is Gregg Eisman. I'm a Legal Video
13 Specialist with Videographics, located at 1903 30th
14 Street, San Diego, California. The Certified Shorthand
15 Reporter is Tadzia Martin of San Diego Court Reporting.
16 For the video record, would counsel please state
17 their appearances.
18 MS. LARKINS: Maura Larkins, plaintiff in pro
19 per.
20 MS. ANGELL: Kelly Angell for Robin Donlan and
21 Linda Watson.
22 MR. HERSH: Michael Hersh for the Chula Vista
23 Educators, California Teachers Association, Gina Boyd and
24 Tim O'Neil.
25 VIDEOGRAPHER: Would the reporter please swear

Page 5

1 the witness.
2 (Whereupon, the witness was duly sworn.)
3
4 EXAMINATION BY MS. LARKINS:
5 Q. Good morning, Mr. Denmon.
6 A. Good morning.
7 Q. You look like you're feeling well, but I need to
8 ask you anyway. Are you feeling well today?
9 A. Yes, I am.
10 Q. Can you think of any reason why you couldn't
11 give your best testimony today?
12 A. No.
13 Q. Could you state for the record where you are
14 employed?
15 A. With the Chula Vista Elementary School District.
16 Q. And what is your position there?
17 A. Certificated teacher.
18 Q. And where do you work?
19 A. As a substitute.
20 Q. Okay. But you're not receiving a substitute's
21 pay, are you? Are you receiving your full salary?
22 A. Yes, I am.
23 Q. Okay. And where -- what school were you working
24 at before you became a substitute?
25 A. Castle Park.

2 (Pages 2 to 5)

SAN DIEGO COURT REPORTING SERVICE
319 ELM STREET, SUITE 100, SAN DIEGO, CA 92101

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Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

Page 6

1 Q. Okay. And can you tell me what was the time
2 frame where you were working at Castle Park?
3 A. I believe it was 19 -- 1996 through 2004.
4 Q. Okay. Do you have a clear memory of a time when
5 I was working at Castle Park School?
6 A. I remember when you worked at Castle Park
7 School, yes.
8 Q. Do you have a clear memory of the time when I
9 left Castle Park School?
10 A. I have a memory of you leaving Castle Park
11 School, yes.
12 Q. What do you remember about that?
13 MS. ANGELL: Objection. Vague and ambiguous.
14 BY MS. LARKINS:
15 Q. Well, what did you mean when you said I have a
16 memory of you leaving Castle Park School?
17 A. That I remember there was a time when you were
18 no longer there.
19 Q. Did somebody tell you that I was no longer
20 there?
21 MS. ANGELL: Objection. Vague and ambiguous.
22 BY MS. LARKINS:
23 Q. What made you realize that I was no longer
24 there?
25 MS. ANGELL: At -- teaching at Castle Park?

Page 7

1 MS. LARKINS: Yes.
2 THE WITNESS: I didn't see you at school.
3 MS. LARKINS: Okay.
4 Q. Where you at all curious when you stopped seeing
5 me at school as to why you were not seeing me at school
6 anymore?
7 A. No.
8 Q. Was I a member of your grade level teaming?
9 A. Yes.
10 Q. And was I replaced by a substitute who didn't
11 have a teaching credential or any teaching experience
12 named Sharon Frank?
13 MS. ANGELL: Objection. Vague and ambiguous as
14 to the term "replace," and I think it may be calling for
15 a legal conclusion, but insofar as you're just talking
16 about whether a body was there --
17 MS. LARKINS: Right.
18 MS. ANGELL: -- if you know the answer, tell
19 her --
20 THE WITNESS: Yes, there was a substitute there.
21 BY MS. LARKINS:
22 Q. And do you remember Sharon Frank being the
23 substitute?
24 A. She was one of many, yes.
25 Q. One of many. Do you remember any of the others?

Page 8

1 MS. ANGELL: Objection. Vague and ambiguous as
2 to time. Do you mean any other substitutes who
3 substituted in the third grade bilingual classroom during
4 the 2001 school year?
5 MS. LARKINS: No. I mean after I stopped
6 working at Castle Park.
7 MS. ANGELL: Do you mean for the three years
8 since you haven't been working there? Vague and
9 ambiguous as to time. Over broad.
10 MS. LARKINS: Well, that is an interesting
11 question.
12 Q. Do you recall that I stopped working at Castle
13 Park during the middle of a school year?
14 A. Yes.
15 Q. Okay. And when the next year came around, do
16 you recall who was in my classroom?
17 A. Yes.
18 Q. Who was that?
19 A. Stephanie Pettit.
20 Q. Was she a substitute?
21 A. No, she wasn't.
22 Q. So if I were to ask you who were the substitutes
23 in my classroom after I left, it would just be for that
24 half-year period from the middle of the year when I left
25 until the end of the year, correct?

Page 9

1 A. Yes.
2 Q. Okay. Who were the substitutes that you
3 remember during that period?
4 A. Sharon Frank. I believe there was a
5 gentleman -- I don't remember his name.
6 Q. Maybe Flores?
7 A. I don't remember. And Mrs. Ornelas -- Ornelas,
8 I think.
9 Q. Sandra Ornelas?
10 A. That's probably it.
11 Q. Okay. When there is all these substitutes in my
12 place, that didn't arouse any interest on your part?
13 A. What do you mean?
14 Q. Well, the teacher -- your teammate is gone and
15 all these substitutes are in her place, and you weren't
16 interested as to why I was gone?
17 MS. ANGELL: Objection. Argumentative and
18 misstates the testimony. Mr. Denmon testified that there
19 were three substitutes, so the objection is to the
20 characterization of all these substitutes.
21 MS. LARKINS: Well, I think Mr. Denmon was the
22 one who said there was a lot of them.
23 Q. However many substitutes there were, did it
24 arouse your interest as to why there were substitutes
25 instead of the regular teacher in my classroom?

3 (Pages 6 to 9)

<p>Page 10</p> <p>1 A. Not particularly.</p> <p>2 Q. Uh-huh.</p> <p>3 MS. ANGELL: I would respectfully ask that the</p> <p>4 plaintiff please refrain from making comments such as</p> <p>5 "uh-huh," "oh, really," bursting out in laughter -- that</p> <p>6 kind of thing -- which has already happened I think three</p> <p>7 times so far this morning after answers by the witness,</p> <p>8 because I perceive it to be an attempt to harass or</p> <p>9 intimidate the witness. So if you wouldn't mind just</p> <p>10 limiting that, that would be great.</p> <p>11 MS. LARKINS: Okay. I'll try, but it's kind of</p> <p>12 hard. You know, saying "hum" and "uh-huh" is kind of a</p> <p>13 reflex response to respond when somebody says something,</p> <p>14 and I think it's usually really not carefully thought</p> <p>15 out, oh, I'm going to say "uh-huh." So I can't guarantee</p> <p>16 that I won't be saying something like that again.</p> <p>17 Q. Mr. Denmon, did you want to have me removed from</p> <p>18 my classroom?</p> <p>19 MS. ANGELL: Objection. Vague and ambiguous as</p> <p>20 to time, not reasonably calculated to lead to the</p> <p>21 discovery of admissible evidence.</p> <p>22 MS. LARKINS: You may answer.</p> <p>23 THE WITNESS: No.</p> <p>24 MS. ANGELL: Vague and ambiguous as to time.</p> <p>25 For what time period is the question referring?</p>	<p>Page 12</p> <p>1 you don't know, say you don't know.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MS. ANGELL: Thank you.</p> <p>4 BY MS. LARKINS:</p> <p>5 Q. Can you remember the names of the other people</p> <p>6 who were there?</p> <p>7 MS. ANGELL: At the first meeting that</p> <p>8 Mr. Denmon attended with assistant superintendent Rick</p> <p>9 Werlin concerning you during 2001?</p> <p>10 MS. LARKINS: Well, I don't want to say that.</p> <p>11 That would be assuming facts that are not in evidence.</p> <p>12 MS. ANGELL: Well, then your question I'm</p> <p>13 objecting to on the basis that it's vague and ambiguous.</p> <p>14 MS. LARKINS: Well, I'm not the one that said</p> <p>15 the first meeting. You're the one that said the first</p> <p>16 meeting. I think before we ask him about the first</p> <p>17 meeting, we should make sure there was more than one</p> <p>18 meeting.</p> <p>19 Q. Mr. Denmon, was there more than one meeting</p> <p>20 between you and Mr. Werlin?</p> <p>21 A. Yes.</p> <p>22 Q. Now, this meeting that you're thinking of --</p> <p>23 well, about how many meetings were there between you and</p> <p>24 Mr. Werlin?</p> <p>25 MS. ANGELL: Objection. Vague and ambiguous as</p>
<p>Page 11</p> <p>1 BY MS. LARKINS:</p> <p>2 Q. Did you ever have a desire to see me removed</p> <p>3 from my classroom?</p> <p>4 A. No.</p> <p>5 Q. Did you ever make a report to Werlin, Rick</p> <p>6 Werlin, the assistant superintendent, that you were --</p> <p>7 you had problems with me?</p> <p>8 MS. ANGELL: Vague and ambiguous.</p> <p>9 THE WITNESS: I shared concerns about things</p> <p>10 that had come up, yes.</p> <p>11 BY MS. LARKINS:</p> <p>12 Q. Okay. Now, how did you come to be sharing</p> <p>13 concerns about me with the assistant superintendent?</p> <p>14 A. I was called in to a meeting with him.</p> <p>15 Q. And where was this meeting?</p> <p>16 A. I believe it was at Castle Park.</p> <p>17 Q. Do you recall in what room?</p> <p>18 A. Probably the office.</p> <p>19 Q. And do you recall who else was there?</p> <p>20 A. No, I don't.</p> <p>21 MS. ANGELL: I'm just going to interrupt and ask</p> <p>22 that the witness not guess.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MS. ANGELL: You said probably the office. So</p> <p>25 if you know, please respond with what you know, and when</p>	<p>Page 13</p> <p>1 to time. This is an employee of the school district. He</p> <p>2 could have bumped into, had discussions with Mr. Werlin</p> <p>3 over -- I don't know how many years he's been a district</p> <p>4 employee. Please narrow it down a little.</p> <p>5 MS. LARKINS: Sure. I can do that.</p> <p>6 Q. How many times -- how many meetings did you have</p> <p>7 with Mr. Werlin about me?</p> <p>8 A. I'm not sure.</p> <p>9 Q. Was it more like one or more like ten?</p> <p>10 A. Not one, not ten.</p> <p>11 Q. Okay. Can you -- could you say that it was</p> <p>12 closer to two or closer to nine?</p> <p>13 A. I don't remember how many meetings I had.</p> <p>14 Q. So it was either two, three, four, five, six,</p> <p>15 seven, eight or nine?</p> <p>16 A. It could have been. I don't remember.</p> <p>17 Q. Okay. Fine. When was the first one?</p> <p>18 A. I don't remember exactly when the first meeting</p> <p>19 was.</p> <p>20 Q. Okay. Why did you happen to be called in to a</p> <p>21 meeting with Mr. Werlin?</p> <p>22 MS. ANGELL: Objection. Calls for speculation.</p> <p>23 Unless Mr. Werlin told you why you had been -- why he</p> <p>24 called you in. She's asking you that.</p> <p>25 MS. LARKINS: Let me say it that way.</p>

4 (Pages 10 to 13)

Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

Page 14	Page 16
<p>1 Q. Did Mr. Werlin tell you why he had called you 2 in? 3 A. Yes. 4 Q* What did he say? 5 A. He was disturbed about some of the events that 6 had taken place. 7 Q. Okay. And he felt they involved you? 8 MS. ANGELL: Objection. Calls for speculation. 9 If you could ask the question in the form of did he tell 10 you. 11 MS. LARKINS: Yes. 12 Q. Did he say that he thought the events involved 13 you? 14 A. No, not that I recall. 15 Q. So you have no idea why it was you he called in? 16 MS. ANGELL: Objection. Argumentative. 17 MS. LARKINS: Okay. I can rephrase it. 18 Q. Do you have any idea why it was you that he 19 called in? 20 MS. ANGELL: Objection. Calls for speculation. 21 MS. LARKINS: No. I'm just trying to find out 22 if he has an idea. 23 Q. Do you have -- do you have any thought about why 24 it was? 25 MS. ANGELL: Objection. Calls for speculation.</p>	<p>1 not there -- I don't really understand what your question 2 is. Are you asking him for a conclusion as why you were 3 not there or whether or not you were present? Do you see 4 my confusion? 5 MS. LARKINS: I understand exactly where you're 6 coming from, Kelly. I'm going to have to look for an 7 exhibit here that I think will help on this. We are 8 going to have to come back to this. 9 Q. Mr. Denmon, did you ever say to anybody that you 10 liked Gretchen Donndelinger being principal because you 11 could intimidate her into doing what you wanted? 12 A. No. 13 Q. Okay. Mr. Denmon, in September of 1998, did 14 Gretchen Donndelinger instruct you to team -- instruct 15 you to start teaming with my bilingual classroom? 16 MS. ANGELL: Objection. This line of 17 questioning is not reasonably calculated to lead to the 18 discovery of admissible evidence. We are here today on 19 allegations concerning activities in September -- or 20 September of 2000 through, I think, December of 2002 21 related to records of arrest, and questioning this 22 witness concerning whether as a school teacher he 23 teamed -- was instructed by a principal to team with 24 you -- 25 MR. HERSH: I join in that --</p>
Page 15	Page 17
<p>1 If you'll ask the witness whether he was told why it was 2 him versus other teachers he was called in, that is 3 different and isn't calling for speculation. 4 MS. LARKINS: Okay. Let's skip that. 5 Q. Do you recall one meeting with Mr. Werlin that 6 took place when you and some other teachers were sitting 7 in the teachers' lounge and Gretchen came in and asked 8 you to come in to the principal's office and discuss me? 9 MS. ANGELL: Objection. Vague and ambiguous, 10 compound question, assumes facts not in evidence. 11 Perhaps you could ask him to list the meetings that he 12 remembers or something like that instead of, you know, 13 kind of trying to testify to a whole bunch of things for 14 him in a question. 15 MS. LARKINS: Let me just try to rephrase it. 16 Q. Do you recall any time when you were sitting in 17 the teachers' lounge and Gretchen came in -- this is -- 18 you know, before I ask that, let me ask this. 19 Do you recall that I was taken out of my 20 classroom for a while, then I came back to work for about 21 a week, and then was taken out again? 22 MS. ANGELL: Objection as to characterization of 23 "taken out of my classroom." Vague and ambiguous, calls 24 for speculation. 25 If you're asking him did he see you there and</p>	<p>1 MS. ANGELL: -- three years prior is not 2 relevant, nor reasonably calculated to lead to the 3 discovery of admissible evidence, and I would 4 respectfully request that you ask questions related to 5 this litigation. 6 MR. HERSH: I join in that objection. 7 MS. LARKINS: Okay. Ms. Angell, would you be 8 willing to stipulate that such matters are outside the 9 scope of discovery in this case? 10 MS. LARKINS: I am willing to stipulate that all 11 of your questions today, other than questions concerning 12 the allegations made in your complaint, are not relevant. 13 MS. LARKINS: How about questions when you're 14 doing the deposition of me? 15 MS. ANGELL: If you have objections to questions 16 that I asked during your deposition, you feel free to 17 have an attorney there or act as your own attorney and 18 make your objections for the record. This is the 19 deposition of Rick Denmon. 20 MS. LARKINS: Okay. Well, I think that your 21 objection is simply an attempt to prevent evidence from 22 being revealed in this case, because you questioned me 23 about events at Castle Park School. You wanted to know 24 who said what about what, and now suddenly when I'm not 25 the witness all of a sudden these things are outside the</p>

5 (Pages 14 to 17)

<p style="text-align: right;">Page 18</p> <p>1 scope of discovery.</p> <p>2 But I will be willing to have this be a standing</p> <p>3 objection today. I will stipulate that this can be a</p> <p>4 standing objection to all of the questions I ask today,</p> <p>5 and perhaps that way you won't have to repeat it so many</p> <p>6 times.</p> <p>7 Mr. Hersh, would you be willing to stipulate to</p> <p>8 that standing objection?</p> <p>9 MS. ANGELL: The standing objection being that</p> <p>10 each and every question is not reasonably calculated to</p> <p>11 lead to the discovery of admissible evidence in this</p> <p>12 case?</p> <p>13 MS. LARKINS: Yes.</p> <p>14 MR. HERSH: Yes.</p> <p>15 MS. ANGELL: So stipulated.</p> <p>16 MS. LARKINS: Okay. So now you don't have to</p> <p>17 say that quite so many times.</p> <p>18 MS. ANGELL: Even though your questions are not</p> <p>19 relevant, we are here to provide deposition testimony.</p> <p>20 So even though the questions, almost all of them, are not</p> <p>21 relevant, as I have been doing with other witnesses, I'll</p> <p>22 provide you with latitude to see if you can establish how</p> <p>23 anything is relevant. But there will come a point in</p> <p>24 time -- there may come a point in time at which I'll</p> <p>25 instruct the witness that he doesn't have to continue</p>	<p style="text-align: right;">Page 20</p> <p>1 class. You allowed my 100 percent Hispanic class to team</p> <p>2 with English-only classes so that they weren't spending</p> <p>3 their entire classroom time in a classroom that was</p> <p>4 grossly in violation of the Civil Rights Act. In 1999,</p> <p>5 after -- shortly into the year, you did begin to allow my</p> <p>6 class to be integrated.</p> <p>7 MS. ANGELL: Objection. Move to strike. No</p> <p>8 question pending. And I'll direct the witness to</p> <p>9 disregard plaintiff's attempt to inform you as to what</p> <p>10 happened. What we're here for today is for plaintiff to</p> <p>11 ask you questions about what you know, what you saw, what</p> <p>12 you did, what you remember. So please disregard her</p> <p>13 attempt to testify for you and tell you what happened.</p> <p>14 Okay.</p> <p>15 BY MS. LARKINS:</p> <p>16 Q. Do you recall a time when you refused to team</p> <p>17 with my classroom?</p> <p>18 A. No.</p> <p>19 Q. Do you have a clear memory of when I arrived at</p> <p>20 Castle Park Elementary School?</p> <p>21 A. I believe it was after the remodel.</p> <p>22 Q. Yes, it was.</p> <p>23 MS. ANGELL: Objection. Move to strike</p> <p>24 plaintiff's comments, everything after "remodel."</p> <p>25 Please disregard comments made to you by</p>
<p style="text-align: right;">Page 19</p> <p>1 answering irrelevant questions.</p> <p>2 MS. LARKINS: Fine. And at that point I will</p> <p>3 suspend the deposition and seek an order to compel</p> <p>4 testimony.</p> <p>5 Q. Okay. Do you remember the question?</p> <p>6 A. No.</p> <p>7 Q. I wouldn't expect you to. Okay. That's why it</p> <p>8 helps to have a standing objection. Then that doesn't</p> <p>9 have to interfere between the question and the answer.</p> <p>10 In September of 1998, did Gretchen Donndelinger</p> <p>11 instruct you to begin to allow the bilingual classroom</p> <p>12 third grade level to team with your classroom and the</p> <p>13 other third grade classrooms?</p> <p>14 A. At some point we were instructed to team, yes.</p> <p>15 Q. And what did you do at that point?</p> <p>16 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>17 BY MS. LARKINS:</p> <p>18 Q. Did you tell -- question withdrawn.</p> <p>19 Did you outright refuse when Gretchen</p> <p>20 Donndelinger asked you to do this?</p> <p>21 A. No.</p> <p>22 Q. Are you perhaps confused between 1998 and 1999?</p> <p>23 MS. ANGELL: Objection. Argumentative.</p> <p>24 BY MS. LARKINS:</p> <p>25 Q. Okay. Now, in 1999, you began teaming with my</p>	<p style="text-align: right;">Page 21</p> <p>1 Mrs. Larkins when she's trying to confirm, deny, tell you</p> <p>2 what went on, and just testify as to what you know</p> <p>3 without being influenced by her comments. Okay.</p> <p>4 MS. LARKINS: I'm sorry. Is "um" also an</p> <p>5 attempt to harass the witness, or is it just "uh-huh"</p> <p>6 that is an attempt to harass the witness? I need to know</p> <p>7 so I don't harass the witness.</p> <p>8 MS. ANGELL: Mrs. Larkins, your sarcasm is not</p> <p>9 well taken, and I would ask that you please redirect your</p> <p>10 attention to asking the witness questions about what he</p> <p>11 knows.</p> <p>12 MS. LARKINS: Well, since you call it sarcasm, I</p> <p>13 believe you mean that the idea that "um" would be</p> <p>14 harassment is ridiculous, so I will assume that I'm not</p> <p>15 harassing the witness when I say "um." I'm only</p> <p>16 harassing the witness when I say "uh-huh."</p> <p>17 Q. Did you pointedly refuse to speak to me when I</p> <p>18 first arrived at Castle Park Elementary School?</p> <p>19 A. No.</p> <p>20 Q. Did you and I ever become friends?</p> <p>21 A. We were friendly.</p> <p>22 Q. Did you and I ever have a meaningful discussion</p> <p>23 about anything?</p> <p>24 MS. ANGELL: Objection. Vague and ambiguous.</p> <p>25 MS. LARKINS: You may answer the question if you</p>

Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

Page 22

1 can.
2 THE WITNESS: In regards to curriculum or
3 whatnot, I would assume we had, but specifically I don't
4 recall.
5 BY MS. LARKINS:
6 Q. And would you assume that such discussions would
7 have taken place in a meeting?
8 MS. ANGELL: Objection. Calls for speculation.
9 Plaintiff is not entitled to your guesses. She's
10 entitled to your memory, your testimony about what you
11 did, saw, heard, what you know, but not guesses. So if
12 you can restrict yourself to not guessing -- I know
13 sometimes it's hard, but don't guess.
14 BY MS. LARKINS:
15 Q. Do you believe that any of these discussions
16 happened outside of a meeting?
17 MS. ANGELL: Objection. Calls for speculation.
18 MS. LARKINS: No. I'm asking what he believes.
19 MS. ANGELL: It's the same thing. You're asking
20 him for speculation. What do you believe; what do you --
21 you know, it's the same thing. Do you remember. That is
22 different.
23 MS. LARKINS: Okay. Thank you. That is a good
24 suggestion.
25 Q. Do you remember any such discussion that

Page 23

1 happened outside of a meeting?
2 MS. ANGELL: Objection. Vague and ambiguous.
3 What such discussion? You mean discussion concerning
4 curriculum, school curriculum?
5 MS. LARKINS: Yes.
6 THE WITNESS: Not that I recall.
7 MS. LARKINS: Neither do I.
8 MS. ANGELL: Objection. Move to strike.
9 That, Mrs. Larkins, is your attempt to
10 intimidate and harass the witness, and I would ask that
11 you refrain from making commentary after his responses.
12 BY MS. LARKINS:
13 Q. Did you ever have any personal discussion with
14 me about our relationship?
15 MS. ANGELL: Objection. Vague and ambiguous.
16 MS. LARKINS: Answer it if you can.
17 THE WITNESS: No.
18 BY MS. LARKINS:
19 Q. Did you tell Rick Werlin that you had?
20 A. No.
21 Q. Did you ever make any attempt to speak to me
22 directly about any problems you had with me?
23 A. I shared my concerns at our grade level
24 meetings.
25 Q. So -- did you ever make any attempt to talk to

Page 24

1 me about any problem you had with me outside of the grade
2 level meeting?
3 A. Not that I recall.
4 Q. Can you think of any reason why Linda Watson
5 would say that you were always coming to her and asking
6 her to go with you to the principal to make some kind of
7 a negative report about Maura?
8 MS. ANGELL: Objection. Calls for speculation.
9 And it's compound.
10 If you can answer the question without guessing
11 and you understand the question --
12 THE WITNESS: Can you restate the question?
13 MS. LARKINS: Yeah. And I can replace the "and"
14 with a "to," and then it wouldn't be compound.
15 Q. Can you think of any reason why Linda Watson
16 would say that you were always coming to her to ask her
17 to go with you to the principal to report about something
18 you didn't like about me?
19 MS. ANGELL: Objection. It calls for
20 speculation. Asking the witness can you think of any
21 reason is different from saying what do you know about,
22 did so-and-so tell you. So that's the basis of the
23 objection. It's continuing to call for speculation.
24 MS. LARKINS: Can you answer the question?
25 THE WITNESS: Can you restate it?

Page 25

1 MS. LARKINS: Yes, I can. And this will be even
2 better this time. Okay. I won't say can you think of
3 any reason.
4 Q. Do you know of any reason why Linda Watson would
5 say that you were always coming to her to ask her to go
6 with you to the principal to make a report about
7 something you didn't like about me?
8 A. No, not to make a report about something I
9 didn't like about you.
10 Q. Okay. Do you think she might have said such a
11 thing -- is there some other reason why she might have
12 said that you were always coming to her to ask her to go
13 with you to the principal to talk about me?
14 MS. ANGELL: Objection. Compound, and it --
15 read the question back. It's like several questions
16 there.
17 MS. LARKINS: Let me try it again. I know where
18 I have to put the word "to" instead of the word "and."
19 Okay. I think I can do this.
20 Q. Do you know of any reason why Linda Watson said
21 that you were always coming to her to ask her to go to
22 the principal with you to talk about me?
23 MS. ANGELL: Assumes facts not in evidence.
24 If you don't know, you don't know.
25 THE WITNESS: No, I don't know.

7 (Pages 22 to 25)

Page 26

1 BY MS. LARKINS:
2 Q. Okay. Okay. Did you frequently talk to
3 Gretchen Donndelinger about me?
4 MS. ANGELL: Objection. Vague and ambiguous as
5 to time.
6 MS. LARKINS: During the time I was working at
7 Castle Park Elementary School.
8 MS. ANGELL: Can you state the whole question so
9 the witness knows what he's answering?
10 MS. LARKINS: Uh-huh. If I can remember it.
11 Q. Did you frequently talk to Gretchen Donndelinger
12 about me during the time I was working at Castle Park
13 Elementary School?
14 A. Not frequently.
15 Q. About how often did you speak to Gretchen
16 Donndelinger about me?
17 A. I don't recall.
18 Q. Okay. Did you -- when you spoke to Gretchen
19 Donndelinger about me, was it to tell about something you
20 were concerned about?
21 MS. ANGELL: Objection. Vague and ambiguous.
22 MS. LARKINS: You may answer.
23 THE WITNESS: Could you restate the question?
24 BY MS. LARKINS:
25 Q. When you spoke to Gretchen Donndelinger about

Page 27

1 me, was it to tell her about something you were concerned
2 about?
3 A. Yes.
4 Q. Okay. Do you recall one of your meetings with
5 Rick Werlin -- there is no "d" on the end of that -- in
6 which you and several other teachers were in Gretchen
7 Donndelinger's office talking about me when I knocked on
8 the door?
9 A. No.
10 Q. Do you recall a meeting in Gretchen
11 Donndelinger's office when you and several other teachers
12 hid behind the door?
13 A. No.
14 Q. How could you forget a thing like that?
15 MS. ANGELL: Objection. Move to strike.
16 Mrs. Larkins, if you can't control yourself from
17 making comments and attempting to harass and intimidate
18 this witness, we will leave and seek a protective order.
19 So I would respectfully request that you please stop from
20 the comments and pose questions to this witness without
21 commenting back to him indicating your opinion of the
22 testimony.
23 MS. LARKINS: Okay. Ms. Angell, I would like to
24 caution you that while making smart cracks might not be
25 the most Kosher thing to do during a deposition, perjury

Page 28

1 is a far more serious offense. Supplying the perjury is
2 very serious.
3 MS. ANGELL: This is a continuing attempt by you
4 to intimidate this witness, and I would request that if
5 you have comments for me, that you excuse the witness and
6 you can say whatever you want to me. This is to depose
7 Mr. Denmon about what he knows concerning the allegations
8 in your complaint, not for you to threaten me and lecture
9 me about what you think is perjury and what you think is
10 not. Mrs. Larkins, just because people don't testify to
11 what you think they should, because your allegations
12 never happened, does not mean that there was perjury.
13 This stuff never happened. Your litigation is frivolous.
14 MS. LARKINS: You think that any teacher that
15 sits here and says something that you don't want them to
16 say is violating attorney-client privilege.
17 MS. ANGELL: You have no idea what I think.
18 MS. LARKINS: You have made it very clear in
19 deposition after deposition that you think that if
20 somebody in your office told somebody at Castle Park to
21 discuss something with the other teachers in Castle Park,
22 that all the those discussions between employees of Chula
23 Vista Elementary School District with no lawyer present
24 are covered by attorney-client privilege, and you have
25 said that in depositions. It's on the record,

Page 29

1 Ms. Angell.
2 MS. ANGELL: Please disregard all of
3 Mrs. Larkins' comments. These are not questions for you.
4 She doesn't get to testify today and she doesn't inform
5 your knowledge of what is going on. Just remember that
6 you're here to testify to what you know. Okay?
7 BY MS. LARKINS:
8 Q. Mr. Denmon, did you discuss your testimony here
9 today with anyone other than Ms. Angell?
10 MS. ANGELL: Vague and ambiguous. Seeks to
11 invade attorney-client privilege.
12 MS. LARKINS: It specifically avoids
13 attorney-client privilege.
14 MS. ANGELL: I'm not the only attorney in the
15 world.
16 MS. LARKINS: I stand corrected.
17 Q. Did you discuss your testimony here today with
18 anyone other than an attorney?
19 MS. ANGELL: Objection. Vague and ambiguous.
20 MS. LARKINS: You may answer.
21 THE WITNESS: No. I haven't given the testimony
22 up until now.
23 BY MS. LARKINS:
24 Q. I mean did you discuss what might happen in this
25 deposition and -- let me just say it this way. Did you

Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

Page 30

1 talk to Peggy Myers yesterday or today?
2 A. I talked to Peggy yesterday.
3 Q. Did you talk to Peggy after her deposition?
4 A. Yes, I did.
5 Q. Okay. So let me try the question again. Did
6 you discuss your testimony here today with anyone other
7 than an attorney?
8 MS. ANGELL: Asked and answered. He stated that
9 he --
10 MS. LARKINS: It's a different question.
11 MS. ANGELL: No, it's not. He stated he has not
12 given the testimony yet. You said did you discuss your
13 testimony here today with anyone other than an attorney.
14 That's the question you just posed. It's the same thing
15 you previously said when he said he hadn't given the
16 testimony yet.
17 MS. LARKINS: Then that is a nonresponsive
18 answer. The question definitely needs to be asked again.
19 MS. ANGELL: He's already answered. You can
20 pose it as many times as you want, but he's already
21 answered the question.
22 MS. LARKINS: No, he has not. He did say he
23 talked to Peggy Myers last night.
24 MS. ANGELL: He didn't say he talked to Peggy
25 Myers about his testimony today. He said that he hadn't

Page 31

1 given testimony today.
2 MS. LARKINS: Exactly. That's why the question
3 hasn't been asked yet.
4 Q. Did Peggy Myers talk to you about how her
5 deposition had gone yesterday?
6 A. Yes.
7 Q. Okay. Did she tell you about any specific
8 questions that had been asked of her?
9 A. No.
10 Q. Did she give you any advice?
11 MS. ANGELL: Objection. Vague and ambiguous.
12 This is harassing.
13 MS. LARKINS: Anything that you don't want to be
14 revealed you consider harassing. You just say that any
15 time you want. Even if someone says "uh-huh" you say
16 that is harassing.
17 MS. ANGELL: Well, Mrs. Larkins, it totally
18 depends on the manner in which you make your comments,
19 and the way that you do it is usually harassing to the
20 witness.
21 MS. LARKINS: Are you instructing him not to
22 answer the question?
23 MS. ANGELL: No.
24 MS. LARKINS: You may answer the question.
25 THE WITNESS: What's the question?

Page 32

1 BY MS. LARKINS:
2 Q. Did Peggy Myers give you any advice?
3 A. No.
4 Q. Mr. Denmon, after I had quit working -- and you
5 have testified that you didn't really think much about
6 it -- were you then surprised when I sued teachers at
7 Castle Park Elementary School?
8 MS. ANGELL: Objection. Compound.
9 MS. LARKINS: You may answer.
10 THE WITNESS: Could you restate the question?
11 MS. LARKINS: Sure.
12 Q. Were you surprised when you found out that I had
13 sued teachers at Castle Park Elementary School?
14 A. No.
15 Q. Why not?
16 A. I think that somebody who loses their job would
17 want to try to keep it, so that would be a course of
18 action they might take.
19 Q. So you knew that I had lost my job?
20 A. Yes.
21 Q. How did you find that out?
22 MS. ANGELL: Objection. Vague and ambiguous as
23 to time, seeks to invade attorney-client privilege.
24 BY MS. LARKINS:
25 Q. Were you represented by an attorney before I

Page 33

1 sued teachers at Castle Park Elementary School -- were
2 you represented by an attorney regarding my case before I
3 sued teachers at Castle Park Elementary School?
4 MS. ANGELL: Objection. Calls for a legal
5 conclusion. I think that you're asking this witness
6 whether any counsel that was present in depositions in
7 your dismissal proceeding, that kind of thing, whether
8 they were his lawyer, the district's lawyer, so I think
9 you're asking him to give legal conclusions. Maybe you
10 can clarify for him so I wouldn't object.
11 MS. LARKINS: Ms. Angell, apparently you have
12 forgotten -- perhaps it's wishful thinking -- that I was
13 dismissed after I sued, in violation of Labor Code
14 1102.5. You're trying to pretend that this case was
15 something normal where someone would sue after they were
16 dismissed, but it was just the reverse in this case.
17 Okay.
18 MS. ANGELL: Move to strike. No question
19 pending.
20 MS. LARKINS: Okay.
21 MS. ANGELL: It's my understanding,
22 Mrs. Larkins, that you were afforded a due process
23 hearing before a commission on professional competence.
24 It's my understanding that the proceedings in your
25 dismissal started probably with an accusation after some

9 (Pages 30 to 33)

<p style="text-align: right;">Page 34</p> <p>1 other meetings with the school -- this is just what I 2 understand the situation to be -- and that the district 3 had the assistance of counsel in addressing those issues. 4 So I can't tell you when -- I think you're 5 asking this witness to give you information about when 6 the district had lawyers and whether -- you know, in what 7 capacity he was being represented. So that's why I think 8 that it's vague, and I think that you're asking for a 9 legal conclusion. So maybe if you could ask the question 10 in such a way that -- do you see my problem? 11 MS. LARKINS: Oh, I see your problem. You're 12 doing a good job coming up with excuses for trying to 13 stop the truth from coming out in this case. 14 Ms. Angell, the -- my lawsuit was served on 15 teachers at Castle Park on about March 12, 2002. I was 16 dismissed on May 7th, 2002. 17 MS. ANGELL: And when was the accusation served 18 upon you? 19 MS. LARKINS: Interestingly enough, on March 20 29th I mailed a tort claim to the district. 21 MS. ANGELL: Uh-huh. 22 MS. LARKINS: And the accusation -- no. It was 23 April -- April 29th I mailed the tort claim to the 24 district, and then on April 30th -- the accusation I 25 think was dated April 30th, and it was mailed May 1st.</p>	<p style="text-align: right;">Page 36</p> <p>1 of asking questions to me. 2 MS. LARKINS: I would be happy to do so. Okay. 3 MS. ANGELL: And by the way, this witness is 4 here in response to a notice of deposition that you 5 served because he is an employee of the Chula Vista 6 Elementary School District and is here giving testimony 7 for the purpose of use in this litigation only, San Diego 8 Superior Court Case GIC 781970, and he does not consent 9 to this deposition -- the videotape of this deposition or 10 the transcript of this deposition to be used for any 11 purpose outside this litigation. 12 BY MS. LARKINS: 13 Q. Mr. Denmon, have you recently spoken to members 14 of the press? 15 A. Yes. 16 MS. ANGELL: Let the record reflect that 17 Ms. Larkins is turned and is looking at me with eyebrows 18 raised. 19 MS. LARKINS: Well, I'm just thinking, Ms. 20 Angell, if this witness has been recently speaking to the 21 press -- let me ask some further questions. 22 Q. Have you spoken to the press about events at 23 Castle Park Elementary School? 24 A. Yes. 25 MS. ANGELL: Objection. Vague and ambiguous as</p>
<p style="text-align: right;">Page 35</p> <p>1 How's that? How's that for a time frame? Doesn't look 2 too good for you and the district, does it? 3 MS. ANGELL: Please recall that what she says is 4 not to inform your knowledge here today. Base your 5 testimony on what you know. 6 MS. LARKINS: You should also know that even if 7 the lawyer advises you to commit perjury, you're still 8 responsible, and it's a felony. 9 MS. ANGELL: Objection. Argumentative. Move to 10 strike. 11 Mrs. Larkins, please stop instructing this 12 witness as if you were his attorney. Please stop arguing 13 with the witness and accusing him of lying, which is what 14 you just did here. 15 MS. LARKINS: It's a warning. 16 MS. ANGELL: Could you mark the record, please. 17 MS. LARKINS: Ms. Angell, if you weren't afraid 18 of the facts of this case being revealed publicly, then 19 why do you keep worrying about these videotapes? 20 MS. ANGELL: Do you have a question for the 21 witness? If you have no questions for the witness, we 22 will leave. 23 MS. LARKINS: I have many questions for the 24 witness. 25 MS. ANGELL: Then I suggest you pose one instead</p>	<p style="text-align: right;">Page 37</p> <p>1 to time. 2 BY MS. LARKINS: 3 Q. Have you spoken during the year 2004 to members 4 of the press about events at Castle Park Elementary 5 School? 6 A. A member, yes. 7 Q. Okay. Who was that? 8 A. Kelley Dupuis I believe is his name. 9 MS. LARKINS: Okay. The reason I raised my 10 eyebrows, Ms. Angell, is that when someone goes to the 11 press to discuss something, they are pretty much giving 12 up their right to privacy about it. 13 MS. ANGELL: Move to strike. Nonresponsive or 14 no question pending. 15 MS. LARKINS: Well -- 16 MS. ANGELL: This isn't your time to inform this 17 witness and tell him how to testify, Mrs. Larkins. 18 That's not your job. Your job is to ask him questions 19 about what he knows, not to tell him how he should act, 20 not to try to harass him, not to try and accuse him of 21 lying when he's under oath. Please pose questions to 22 this witness instead of telling him what you think he 23 should testify to. 24 MS. LARKINS: Ms. Angell, you're the one that 25 brought up the idea that these deposition videotapes</p>

10 (Pages 34 to 37)

Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

<p style="text-align: right;">Page 38</p> <p>1 could not be used for any purpose other than this trial.</p> <p>2 You brought up the idea, and I responded to it. You</p> <p>3 know, Ms. Angell, as soon as somebody admits the truth,</p> <p>4 this whole case can be over.</p> <p>5 MS. ANGELL: So you're admitting that you're</p> <p>6 bringing these witnesses in for these depositions, these</p> <p>7 videotape depositions in order to harass them into</p> <p>8 getting whatever you want them to say?</p> <p>9 MS. LARKINS: That is an extremely dishonest</p> <p>10 response. Ms. Angell, you know perfectly well that the</p> <p>11 truth in this case is completely obvious. There is a</p> <p>12 mountain of evidence.</p> <p>13 MS. ANGELL: Yes, and it was put out in front of</p> <p>14 the CPC and you were dismissed.</p> <p>15 MS. LARKINS: No, it wasn't. My lawyer in that</p> <p>16 case made -- never mentioned Labor Code 432.7; she never</p> <p>17 mentioned Labor Code 1105.2. I was dismissed for filing</p> <p>18 tort claims in a lawsuit which is against the law. The</p> <p>19 Constitution allows for the right to petition for redress</p> <p>20 of grievances. And I think due to your law firm's bad</p> <p>21 legal advice, the district violated that Constitutional</p> <p>22 right.</p> <p>23 MS. ANGELL: Excuse me, Mrs. Larkins. Do you</p> <p>24 have a question for this witness? Because this is a</p> <p>25 waste of his time and it's an abuse of the discovery</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Who was that?</p> <p>3 A. Mr. Werlin.</p> <p>4 Q. And when did he say that?</p> <p>5 MS. ANGELL: Objection.</p> <p>6 BY MS. LARKINS:</p> <p>7 Q. Was it a meeting with the entire staff when he</p> <p>8 said that?</p> <p>9 MS. ANGELL: Objection. Vague and ambiguous as</p> <p>10 to what Mr. Werlin said. Do you mean that you wouldn't</p> <p>11 return during the 2001 school year, that you were no</p> <p>12 longer an employee? I don't understand the question that</p> <p>13 is being posed.</p> <p>14 BY MS. LARKINS:</p> <p>15 Q. Was this my last day of work at Castle Park that</p> <p>16 Mr. Werlin said this?</p> <p>17 MS. ANGELL: What is this? Vague and ambiguous.</p> <p>18 MS. LARKINS: That I would not be returning to</p> <p>19 Castle Park.</p> <p>20 MS. ANGELL: Ever or that school year or what?</p> <p>21 I don't understand your --</p> <p>22 MS. LARKINS: Well, let's let the witness tell</p> <p>23 us.</p> <p>24 MS. ANGELL: Why don't you ask the witness what</p> <p>25 Mr. Werlin said.</p>
<p style="text-align: right;">Page 39</p> <p>1 process for you to sit here and lecture to me on whatever</p> <p>2 your legal theories are or what you believe the facts</p> <p>3 are. Could you please ask this witness some question</p> <p>4 about what he knows about the allegations contained in</p> <p>5 your complaint.</p> <p>6 MS. LARKINS: Okay. I -- never mind. I don't</p> <p>7 need to use this. Okay.</p> <p>8 Q. I want to go back to when you said you weren't</p> <p>9 surprised when I sued. Okay.</p> <p>10 How -- did Gretchen Donndelinger ever have a</p> <p>11 staff meeting in which she told the staff that I would</p> <p>12 not be returning to Castle Park?</p> <p>13 A. No.</p> <p>14 Q. You're sure of that?</p> <p>15 MS. ANGELL: Objection. Argumentative, asked</p> <p>16 and answered.</p> <p>17 BY MS. LARKINS:</p> <p>18 Q. Okay. I want to give you some wiggle room here</p> <p>19 in case, you know, some notes of Gretchen Donndelinger</p> <p>20 are produced that showed she did have such a meeting. Is</p> <p>21 your memory of this very clear, or is it just that you</p> <p>22 don't remember such a staff meeting?</p> <p>23 A. I don't remember Gretchen Donndelinger saying</p> <p>24 that you would not return.</p> <p>25 Q. Do you remember someone else saying it?</p>	<p style="text-align: right;">Page 41</p> <p>1 MS. LARKINS: Ms. Angell, you're really making</p> <p>2 this difficult.</p> <p>3 MS. ANGELL: Actually, Mrs. Larkins, you're</p> <p>4 making it difficult by your failure ask appropriate</p> <p>5 questions, notwithstanding the fact that none of this is</p> <p>6 relevant. You haven't asked one relevant question and we</p> <p>7 have been in deposition for an hour.</p> <p>8 MS. LARKINS: Well, I guess that means that you</p> <p>9 didn't ask me very relevant questions when it was my</p> <p>10 deposition, doesn't it?</p> <p>11 MS. ANGELL: The allegations in this litigation</p> <p>12 pertain to a record of arrest. How about asking this</p> <p>13 witness about something pertaining to a record of arrest,</p> <p>14 whether he was ever told about a record of arrest, any of</p> <p>15 the things that are alleged in your complaint, as opposed</p> <p>16 to the causes of action which have already been dismissed</p> <p>17 from this litigation? It's improper and an abuse of</p> <p>18 discovery for you to sit here and question this witness</p> <p>19 concerning causes of action which have been dismissed.</p> <p>20 MS. LARKINS: So it was improper and abuse of</p> <p>21 discovery for you to be questioning me about these same</p> <p>22 events?</p> <p>23 MS. ANGELL: I'm not here to discuss and argue</p> <p>24 those things with you, Mrs. Larkins. I'm here to defend</p> <p>25 this witness's deposition, and I will not engage in legal</p>

11 (Pages 38 to 41)

<p style="text-align: right;">Page 42</p> <p>1 argument with you concerning your deposition. In your 2 deposition you were nonresponsive; you walked out of your 3 deposition despite court order to be there, and you're 4 well aware that there is a motion for terminating 5 sanctions pending that will be heard this Friday. 6 concerning your deposition, if you want to discuss your 7 deposition, but that is not relevant here, and I would 8 really prefer to just stick to questions for this 9 witness.</p> <p>10 MS. LARKINS: If it's not relevant, why did you 11 just bring it up?</p> <p>12 MS. ANGELL: You brought it up.</p> <p>13 MS. LARKINS: I brought up a motion for 14 terminating sanctions?</p> <p>15 MS. ANGELL: You're bringing up your deposition. 16 We are not here to talk about your deposition. This 17 witness was not at your deposition, so he can't testify 18 to what happened at your deposition. You're talking 19 about that in order to harass and inform this witness and 20 to try to influence his testimony.</p> <p>21 MS. LARKINS: And I think you are talking about 22 terminating sanctions in an effort to influence this 23 witness. And I think that we should not just leave it 24 there, but let's go ahead, you know, since you bring up 25 terminating sanctions. I want to show respect for this</p>	<p style="text-align: right;">Page 44</p> <p>1 and Werlin hid behind the door?</p> <p>2 MS. ANGELL: Objection. Argumentative, 3 misstates the evidence. In fact, he testified that 4 nobody hid behind a door.</p> <p>5 BY MS. LARKINS:</p> <p>6 Q. Did you testify that no one ever hid behind a 7 door in a meeting that you were at in the office where I 8 was being discussed, or just that you didn't remember?</p> <p>9 A. I don't remember what I said. I don't remember 10 it ever happening. I'm saying no, it didn't happen and I 11 don't remember it happening. I don't know what I said 12 earlier.</p> <p>13 Q. Okay. You don't want to leave yourself any 14 wiggle room there?</p> <p>15 MS. ANGELL: Objection. Argumentative, 16 badgering the witness.</p> <p>17 Mrs. Larkins, please stop doing that. The 18 witness answers your question. Just because you don't 19 like his answer doesn't mean that you need to try to 20 convince him to give some other answer. Please stop 21 harassing the witness. Ask him questions, let him answer 22 and move on to the next question.</p> <p>23 MS. LARKINS: Are you really protecting your 24 witness? I have testimony from other people --</p> <p>25 MS. ANGELL: You're asking this witness about</p>
<p style="text-align: right;">Page 43</p> <p>1 subject that you have brought up.</p> <p>2 MS. ANGELL: Do you have a question for this 3 witness? Because if you don't, he needs to be released.</p> <p>4 MS. LARKINS: I have respect for -- when you 5 bring up the subject here and --</p> <p>6 MS. ANGELL: Mrs. Larkins --</p> <p>7 MS. LARKINS: I want to respond.</p> <p>8 MS. ANGELL: I was responding to your launching 9 again into a diatribe about your deposition. That is not 10 proper for this witness. You need to ask this witness 11 questions. You don't get to sit here and argue with me 12 all day. It's a tremendous waste of everybody's time and 13 resource. Could you please ask this witness a question 14 about his knowledge.</p> <p>15 MS. LARKINS: Well, it's sure lucky we are not 16 wasting time and resources by having you launch into a 17 diatribe.</p> <p>18 Okay. Ms. Angell is trying to prevent this line 19 of questioning, but I'm really going to try to keep at 20 it. Then maybe you guys will walk out, but I'm going to 21 try to do this. And if you walk out, I will seek an 22 order to compel testimony. Okay.</p> <p>23 Q. Now, it seems like we left off with you saying 24 that Werlin told you I would not be coming back. Was 25 this at that meeting where everybody except Donndelinger</p>	<p style="text-align: right;">Page 45</p> <p>1 what he remembers. Let him tell you what he remembers.</p> <p>2 MS. LARKINS: Okay.</p> <p>3 MS. ANGELL: That's what he remembers.</p> <p>4 BY MS. LARKINS:</p> <p>5 Q. This is sworn testimony, and you're saying that 6 you were never at a meeting where teachers hid behind the 7 door?</p> <p>8 A. I'm saying I don't remember being at a meeting 9 where teachers hid behind a door.</p> <p>10 MS. LARKINS: Well, that's different, isn't it, 11 Ms. Angell?</p> <p>12 MS. ANGELL: It's the same testimony he has 13 given three times now.</p> <p>14 MS. LARKINS: No. There is a difference between 15 I was never at a meeting where teachers hid behind the 16 door and I don't remember being at a meeting.</p> <p>17 MS. ANGELL: Do you need a break?</p> <p>18 THE WITNESS: Yeah, we can take a break. That 19 would be nice.</p> <p>20 MS. LARKINS: She really wants to avoid 21 testimony on this.</p> <p>22 Ms. Angell, do you want to ask --</p> <p>23 MS. ANGELL: Move to strike. Nonresponsive, no 24 question pending.</p> <p>25 MS. LARKINS: Do you want to ask the other two</p>

12 (Pages 42 to 45)

Larkins v. Werlin
GIC 781970

Deposition of Richard Denmon
November 30, 2004

<p style="text-align: right;">Page 46</p> <p>1 counsel here if they would also like a break?</p> <p>2 MS. ANGELL: You mean plaintiff in pro per and</p> <p>3 the other attorney? The witness needs a break.</p> <p>4 MS. LARKINS: It's normal custom during a</p> <p>5 deposition of -- not for you, though. You have this</p> <p>6 habit of walking out of depositions without saying where</p> <p>7 you're going, just leaving, and saying that I don't have</p> <p>8 to agree to the break because I'm not a lawyer.</p> <p>9 MS. ANGELL: Move to strike. No question</p> <p>10 pending.</p> <p>11 The witness has stated that he wants a break.</p> <p>12 Are you saying you don't want the witness to take a</p> <p>13 break?</p> <p>14 MS. LARKINS: No, I'm not.</p> <p>15 MS. ANGELL: Well, then, we are agreed.</p> <p>16 Michael, are you agreed.</p> <p>17 MR. HERSH: I am agreed.</p> <p>18 MS. ANGELL: How long do we want to break for?</p> <p>19 How long do you want to break for?</p> <p>20 MR. HERSH: I couldn't hear that.</p> <p>21 MS. ANGELL: She didn't answer.</p> <p>22 MR. HERSH: Okay.</p> <p>23 MS. LARKINS: Who didn't answer?</p> <p>24 MS. ANGELL: You. How long do you want the</p> <p>25 break for? The witness said he wants a break.</p>	<p style="text-align: right;">Page 48</p> <p>1 early?</p> <p>2 MS. ANGELL: Move to strike everything preceding</p> <p>3 "let's just talk about this meeting" as no question</p> <p>4 pending. If you can answer the question.</p> <p>5 THE WITNESS: Ask the question again, please.</p> <p>6 BY MS. LARKINS:</p> <p>7 Q. Do you -- at this meeting when Werlin told you</p> <p>8 that I wouldn't be coming back, did Joe Ellen leave that</p> <p>9 meeting early?</p> <p>10 A. Not that I recall. I don't recall her being</p> <p>11 there or not being there.</p> <p>12 Q. Okay. Would it jog your memory if I asked you</p> <p>13 if she ever left one of these meetings saying, "Have fun,</p> <p>14 you guys"?</p> <p>15 A. No.</p> <p>16 Q. You have no memory of that?</p> <p>17 A. No, I have no memory of that. I don't recall.</p> <p>18 Q. Okay. So is it because of this meeting that you</p> <p>19 weren't surprised when I sued teachers?</p> <p>20 MS. ANGELL: Vague and ambiguous, "this</p> <p>21 meeting." What are you talking about?</p> <p>22 BY MS. LARKINS:</p> <p>23 Q. Was it because of this meeting where Werlin said</p> <p>24 I wouldn't be coming back -- is that why you weren't</p> <p>25 surprised when you found out I had sued teachers?</p>
<p style="text-align: right;">Page 47</p> <p>1 MS. LARKINS: Well, why don't we ask the</p> <p>2 witness.</p> <p>3 How long a break would you like.</p> <p>4 THE WITNESS: Ten minutes would be fine.</p> <p>5 MS. LARKINS: That would be fine. I agree to a</p> <p>6 ten-minute break.</p> <p>7 How about you, Mr. Hersh?</p> <p>8 MR. HERSH: That's fine. I will call back, or</p> <p>9 can Rosie call me.</p> <p>10 VIDEOGRAPHER: We are going off the record. The</p> <p>11 time is 11:22 a.m.</p> <p>12 (Recess taken; reporter's clock was synchronized</p> <p>13 with video.)</p> <p>14 VIDEOGRAPHER: We're going on the record. The</p> <p>15 time is 11:40 a.m.</p> <p>16 BY MS. LARKINS:</p> <p>17 Q. Mr. Denmon, can you -- I think you and I have a</p> <p>18 pretty good idea of this meeting that took place when</p> <p>19 Mr. Werlin said that I wouldn't be coming back. And I</p> <p>20 remember that teachers were hiding behind the door. I</p> <p>21 didn't know it at the time, but I found out later. Let's</p> <p>22 see. What else did you say about this meeting? Well, I</p> <p>23 think the only thing -- let's just talk about this</p> <p>24 meeting where Werlin said that I wouldn't be coming back.</p> <p>25 Do you recall Joe Ellen leaving that meeting</p>	<p style="text-align: right;">Page 49</p> <p>1 A. No. I think I testified that I wasn't surprised</p> <p>2 that a person who was no longer working would seek a</p> <p>3 legal resolution or some legal something to get their job</p> <p>4 or keep their job or whatever.</p> <p>5 Q. Okay. And the way you found out that I was no</p> <p>6 longer working was when -- at this meeting when Werlin</p> <p>7 said I wouldn't be coming back?</p> <p>8 MS. ANGELL: Objection. Seeks to invade</p> <p>9 attorney-client privilege.</p> <p>10 BY MS. LARKINS:</p> <p>11 Q. Okay. Before this meeting when Werlin said I</p> <p>12 wouldn't -- was there an attorney at this meeting when</p> <p>13 Werlin said I wouldn't be coming back?</p> <p>14 A. This meeting that you're talking about right now</p> <p>15 is when you said there was people behind the door?</p> <p>16 Q. Well, let's not assume that, because you don't</p> <p>17 remember that. Let's just talk about this meeting when</p> <p>18 Werlin said that I wouldn't be coming back.</p> <p>19 A. Okay. What's the question?</p> <p>20 Q. Was there an attorney there?</p> <p>21 A. I don't recall if there is an attorney present</p> <p>22 or not.</p> <p>23 Q. Okay. Was this meeting in the middle of the</p> <p>24 school year?</p> <p>25 MS. ANGELL: Objection. Vague and ambiguous.</p>

13 (Pages 46 to 49)

Page 50	Page 52
<p>1 What school year?</p> <p>2 BY MS. LARKINS:</p> <p>3 Q. Well, was this meeting -- okay. I believe we</p> <p>4 have established through your testimony that I left in</p> <p>5 the middle of a school year. Wasn't that your testimony?</p> <p>6 MS. ANGELL: Objection. Vague and ambiguous</p> <p>7 or -- I'm sorry. Not vague and ambiguous. Misstates the</p> <p>8 testimony. I think his testimony was that -- something</p> <p>9 along the lines that you weren't showing up to teach; you</p> <p>10 weren't showing up to perform your employment. And the</p> <p>11 problem I have is your characterization of it being that</p> <p>12 "I left." You know, it's your characterization of it.</p> <p>13 If you want to ask him if he saw you there, whether you</p> <p>14 were present or whether he was told about any</p> <p>15 particular --</p> <p>16 BY MS. LARKINS:</p> <p>17 Q. On the day of this meeting when Werlin said I</p> <p>18 wouldn't be coming back, had I been at school that day?</p> <p>19 A. I believe there were -- to the best of my</p> <p>20 recollection, there were different meetings in which I</p> <p>21 and others were told that you would not be coming back.</p> <p>22 Q. Were there -- was there anyone other than Werlin</p> <p>23 who told you that I would not be coming back?</p> <p>24 MS. ANGELL: Objection. Seeks to invade the</p> <p>25 attorney-client privilege, vague and ambiguous as to</p>	<p>1 right to you that this meeting happened around April</p> <p>2 2001?</p> <p>3 MS. ANGELL: You mean the meeting where Werlin</p> <p>4 said that you would not be coming back?</p> <p>5 MS. LARKINS: Thank you. Yes.</p> <p>6 THE WITNESS: Is that when --</p> <p>7 MS. ANGELL: She doesn't testify here. You tell</p> <p>8 what you remember.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MS. ANGELL: If you don't know, the answer is</p> <p>11 you don't know. If you do know, just tell her what you</p> <p>12 know.</p> <p>13 THE WITNESS: Could you ask the question again?</p> <p>14 MS. LARKINS: Yeah. Let me --</p> <p>15 THE WITNESS: I'm sorry. I got confused.</p> <p>16 BY MS. LARKINS:</p> <p>17 Q. Okay. Now, I believe you have testified that</p> <p>18 you recall that I left during a school year or I stopped</p> <p>19 working at Castle Park during the middle of a school year</p> <p>20 and that I was gone for the rest of that school year and</p> <p>21 replaced and there were substitutes in my classroom. And</p> <p>22 then the next year someone else had -- took over my</p> <p>23 classroom. Now, I want to talk about that partial year</p> <p>24 there between the time when I stopped working and the end</p> <p>25 of the year.</p>
Page 51	Page 53
<p>1 time.</p> <p>2 BY MS. LARKINS:</p> <p>3 Q. Was there anyone besides Werlin who told you</p> <p>4 that I would not be coming back when an attorney was not</p> <p>5 present?</p> <p>6 MS. ANGELL: Vague and ambiguous as to time.</p> <p>7 Do you mean during the year 2001?</p> <p>8 MS. LARKINS: Well, Mr. Denmon has just</p> <p>9 testified that there were a number of meeting at which he</p> <p>10 was told that I would not be coming back, so I'm going to</p> <p>11 leave it up to him.</p> <p>12 Q. Whatever these meetings are that you're thinking</p> <p>13 of, this number of meetings at which you were told that I</p> <p>14 would not be coming back, during those meetings was there</p> <p>15 ever anyone other than Werlin who told you that I would</p> <p>16 not be coming back when an attorney wasn't present?</p> <p>17 A. Is your question was I ever told at a meeting</p> <p>18 with an attorney that you would not be coming back?</p> <p>19 Q. No. It's the opposite. If there was an</p> <p>20 attorney present, you don't have to tell me anything</p> <p>21 about it.</p> <p>22 A. I can't -- Mrs. Larkins, I can't remember if I</p> <p>23 was told at a meeting with an attorney present or not. I</p> <p>24 don't remember who was at a meeting.</p> <p>25 Q. Okay. Let's assume that -- does it sound</p>	<p>1 Do you recall any attorneys coming to Castle</p> <p>2 Park to have meetings during that time?</p> <p>3 A. Yes.</p> <p>4 Q. Really? And who were those attorneys?</p> <p>5 A. Mr. Shinoff I believe I met with.</p> <p>6 MS. ANGELL: I'm objecting insofar as you're</p> <p>7 seeking to invade attorney-client privilege here.</p> <p>8 MS. LARKINS: No. He doesn't have to --</p> <p>9 MS. ANGELL: Or attorney work product.</p> <p>10 MS. LARKINS: He doesn't have to tell what</p> <p>11 happened during the meeting, but the fact of the meeting</p> <p>12 is not covered by attorney-client privilege. Okay.</p> <p>13 MS. ANGELL: Had you finished your answer?</p> <p>14 THE WITNESS: What was the question?</p> <p>15 MS. ANGELL: She asked the names of all the</p> <p>16 lawyers or any lawyers that came during that 2001 school</p> <p>17 year. Just tell her, as best as you know, the names if</p> <p>18 you remember. If you don't remember --</p> <p>19 THE WITNESS: It may not have been during the</p> <p>20 2000 school -- 2000 --</p> <p>21 MS. LARKINS: I know what you mean. It may not</p> <p>22 have been during that period.</p> <p>23 THE WITNESS: -- period, but I did --</p> <p>24 Mr. Shinoff and Mr. Brazee.</p> <p>25</p>

14 (Pages 50 to 53)