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M A S T E R I N D E X

OCTOBER 5, 2016

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M A S T E R I N D E X

OCTOBER 5, 2016

EXHIBITS

PLAINTIFF'S	MARKED	RECEIVED	REJECTED
	NONE	OFFERED	
DEFENDANT'S	MARKED	RECEIVED	REJECTED
	NONE	OFFERED	

(EXHIBITS ADMITTED INTO EVIDENCE WERE  
DONE VIA STIPULATION OFF THE RECORD  
PLEASE REFER TO CLERK'S TRANSCRIPT.)

1 CASE NUMBER: BC470714  
2 CASE NAME: DUVAL V COUNTY OF LOS ANGELES  
3 LOS ANGELES, CALIFORNIA WEDNESDAY, OCTOBER 5, 2016  
4 DEPARTMENT: 89 HON. WILLIAM A. MACLAUGHLIN  
5 APPEARANCES: (AS HERETOFORE NOTED.)  
6 REPORTER: ELORA DORINI, CSR NO. 13755  
7 TIME: 8:37 A.M.  
8

9 ---000---

10  
11 THE COURT: GOOD MORNING. I'M ALWAYS READY --  
12 I'M NEVER READY. WE'RE HAVING A TECHNICAL ISSUE WITH  
13 THE COURT REPORTER'S FEED. LET'S PROCEED.

14 (JURY PRESENT)

15 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN  
16 COURT IN THE PRESENCE OF THE JURY)

17 THE COURT: ALL RIGHT. EVERYONE MAY BE  
18 SEATED. WE'RE ON THE RECORD. EVERYONE IS PRESENT.  
19 GOOD MORNING TO ALL OF OUR JURORS.

20 AND, MR. MCMILLAN, AT THIS TIME, CALL YOUR  
21 NEXT WITNESS, PLEASE.

22 MR. MCMILLAN: YOUR HONOR, PLAINTIFF CALLS  
23 HERSELF.

24  
25 RAFAELINA DUVAL,  
26 WAS CALLED AS A WITNESS AND, HAVING BEEN FIRST DULY  
27 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:  
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DIRECT EXAMINATION

BY MR. MCMILLAN:

Q MORNING, MS. DUVAL.

A GOOD MORNING.

Q HOW ARE YOU FEELING TODAY?

A NERVOUS. EMOTIONAL.

Q WELL, WE'RE GOING TO TRY TO GET THROUGH THIS.

ALL RIGHT?

A (NO AUDIBLE RESPONSE.)

Q LET'S START WITH MR. MILLS. THE TWO OF YOU,  
YOU STARTED OUT AS FRIENDS?

A YES.

Q DID YOUR RELATIONSHIP EVOLVE OVER TIME?

A YES.

Q AT SOME POINT, DID YOU BECOME MORE INTIMATE?

A YES.

THE COURT: MR. MCMILLAN, EXCUSE ME. SORRY TO  
INTERRUPT. IT SEEMS LIKE YOU JUST STARTED.

MR. MCMILLAN: WAS I NOT SUPPOSED TO?

THE COURT: NO, YOU WERE. I WAS ATTEMPTING TO  
BE HUMOROUS. NOW, YOU KNOW WHY I'M NOT A STAND UP  
COMIC. ALL RIGHT. WELL, WE'LL GO AHEAD, BUT I'M GOING  
TO GET SOMEONE OVER HERE AS SOON AS I CAN BECAUSE IT  
ISN'T WORKING. I'M NOT RECEIVING THE REPORTER'S  
TRANSCRIPT.

GO AHEAD. AND, SORRY. WE'LL JUST HAVE TO  
INTERRUPT AGAIN WHEN HE GETS HERE. IT'LL TAKE A FEW  
MINUTES, SO GO AHEAD.

1 MR. MCMILLAN: THAT'S FINE, YOUR HONOR.

2 BY MR. MCMILLAN:

3 Q I'D LIKE TO TALK TO YOU A LITTLE BIT ABOUT THE  
4 DAY YOU FIND OUT YOU'RE PREGNANT. IS THAT OKAY?

5 A MM-HMM.

6 Q YOU'RE GOING TO NEED TO SPEAK UP.

7 A OKAY. SORRY.

8 MR. MCMILLAN: YOUR HONOR, WOULD YOU MIND IF I  
9 MOVE THE MIKE A LITTLE BIT?

10 THE COURT: NO. FEEL FREE.

11 BY MR. MCMILLAN:

12 Q OKAY. SO TELL US ABOUT THE DAY YOU FIND OUT  
13 YOU'RE PREGNANT.

14 A I HAD GONE TO THE HOSPITAL BECAUSE I WAS VERY  
15 ILL. AND THEY DID SOME TESTS AND THEY TOLD ME I WAS  
16 PREGNANT. SO I WENT HOME.

17 Q DID YOU SHARE THE NEWS WITH MR. MILLS?

18 A YES.

19 Q TELL US ABOUT THAT CONVERSATION.

20 A I HAD CALLED HIM TO LET HIM KNOW. AND HE GOT  
21 VERY ANGRY. AND HE HAD ASKED ME TO HAVE AN ABORTION,  
22 AND WE ARGUED ABOUT IT.

23 AND I TOLD HIM THAT I WANTED THE BABY, AND  
24 THAT I DON'T BELIEVE IN ABORTION. AND I WON'T. I  
25 WON'T ABORT MY BABY.

26 Q AND AFTER THAT CONVERSATION, WAS THAT PRETTY  
27 MUCH THE END OF YOUR, AT LEAST, THAT PHASE OF YOUR  
28 RELATIONSHIP WITH MR. MILLS?

1           A     YES.

2           Q     AS YOU WERE GOING THROUGH YOUR PREGNANCY, DID  
3 YOU DO ANYTHING TO -- WELL, THIS WAS YOUR FIRST CHILD.  
4 WASN'T IT?

5           A     YES.

6           Q     DID YOU DO ANYTHING TO SORT OF FAMILIARIZE  
7 YOURSELF OR LEARN WHAT TO EXPECT AS YOU BROUGHT THIS  
8 BABY INTO THE WORLD?

9           A     I DID.

10          Q     CAN YOU SHARE A LITTLE BIT ABOUT WHAT YOU DID?

11          A     I TOOK SEVERAL PARENTING CLASSES.  AND I TOOK  
12 A BIRTHING CLASS THAT LASTED BETWEEN THREE TO  
13 FOUR MONTHS AND WHICH INCLUDED DIFFERENT ASPECTS OF  
14 PREGNANCY, SUCH AS BREASTFEEDING OR NUTRITION OR BABY  
15 CARE.

16          Q     AND DURING YOUR CLASSES, DID YOU LEARN  
17 ANYTHING IN PARTICULAR ABOUT -- AND WE'LL JUST START  
18 WITH BREASTFEEDING?

19          A     YES.

20          Q     WHAT DID YOU LEARN ABOUT BREASTFEEDING AND HOW  
21 IT FACTORS INTO THE GROWTH AND DEVELOPMENT OF THE  
22 CHILD?

23          A     AS PART OF THE CURRICULUM IN THE CLASS, THERE  
24 WAS A SPECIFIC CLASS ON BREASTFEEDING ALONE.  AND THEN  
25 AS PART OF THE REQUIREMENTS, I HAD TO READ AT LEAST  
26 THREE BOOKS ON BREASTFEEDING.

27                     FOR ME, THE MOST IMPORTANT THING THAT I  
28 LEARNED WAS THE IMMUNITIES AND THE BONDING THAT COMES

1 BETWEEN MOM AND BABY WHEN YOU BREASTFEED.

2 Q WHAT DID YOU LEARN ABOUT THE BONDING THAT  
3 COMES ABOUT BETWEEN A MOM AND HER BABY THROUGH  
4 BREASTFEEDING?

5 A IT FOSTERS ATTACHMENT. IT BRINGS -- IT'S  
6 RECIPROCAL. BABY NEEDS NUTRITION. I GIVE NUTRITION TO  
7 BABY. THERE'S THIS DANCE OR THIS RECIPROCITY ABOUT THE  
8 PROCESS OF BREASTFEEDING.

9 Q AND THROUGH WHAT YOU LEARNED IN THIS CLASS,  
10 DID YOU REACH ANY FEELINGS ABOUT HOW YOU WANTED TO  
11 RAISE THIS BABY ONCE IT WAS BORN?

12 A YES.

13 Q CAN YOU SHARE WITH US A LITTLE BIT ABOUT THAT?

14 A ON THE ONSET, I HAD WISHED THAT I COULD GIVE  
15 MY BABY THE KIND OF CHILDHOOD I HAD. I HAD A GREAT  
16 CHILDHOOD.

17 I WAS -- I HAD GOOD ATTACHMENTS WITH MY  
18 PARENTS, AND MY FATHER WAS A GREAT PROVIDER AND MY  
19 MOTHER WAS VERY NURTURING. AND I WANTED TO BE JUST  
20 LIKE THEM.

21 Q FOCUSING THOUGH, JUST FOR A MOMENT ON THIS  
22 QUESTION OF BREASTFEEDING, THROUGH THE CLASSES THAT YOU  
23 HAD AND SORT OF DESCRIBED TO US A LITTLE BIT, DID YOU  
24 DEVELOP ANY DESIRES ABOUT HOW YOU WANTED TO HELP YOUR  
25 BABY GROW?

26 A YES. I LEARNED THAT BREASTFEEDING IN THE  
27 FIRST SIX MONTHS IS THE BEST NUTRITION I COULD GIVE THE  
28 BABY. AND I -- AT THE TIME, I WANTED WHAT WAS BEST FOR

1 MY BABY.

2 AND THEREFORE, I OPTED TO MAKE SURE THAT I WAS  
3 HEALTHY ENOUGH TO BREASTFEED, THAT I HAD THE SUPPORT  
4 SYSTEM THAT I NEEDED IN ORDER TO SUCCESSFULLY  
5 BREASTFEED.

6 Q WHEN YOU SAY SUPPORT SYSTEM, WHAT DO YOU MEAN  
7 BY THAT?

8 A PEOPLE TO HELP ME. PROPER NUTRITION.  
9 EMOTIONAL HEALTH. STRESS DECREASES MILK PRODUCTION, SO  
10 I'M ALWAYS TRYING TO DO THINGS TO BE RELAXED AND  
11 PRODUCE MILK.

12 Q JUST FOCUSING FOR A MOMENT ON THE PEOPLE THAT  
13 YOU HAD TO HELP YOU. WHO WERE THOSE PEOPLE?

14 A MY MOM, MY BIRTHING TEACHER. SHE WAS A  
15 MIDWIFE AS WELL. AND THROUGH THE CLASS, I HAD FOUND A  
16 GREAT LACTATION CONSULTANT.

17 Q WAS THAT THE -- THE LACTATION CONSULTANT, WAS  
18 THAT MS. BAGDAZARIAN?

19 A YES.

20 Q AND WE HEARD FROM HER, I'M NOT SURE, IT'S SORT  
21 OF A FOG, SOMETIME IN THE LAST TEN DAYS OR SO?

22 A YES.

23 Q AM I UNDERSTANDING CORRECTLY THAT YOUR  
24 RELATIONSHIP WITH MS. BAGDAZARIAN ACTUALLY STEMMED FROM  
25 ONE OF THE CLASSES THAT YOU WERE IN?

26 A YES.

27 Q WHERE DID THESE CLASSES TAKE PLACE?

28 A LA CANADA AND GLENDALE.

1 Q LA CANADA, WHAT IS THAT?

2 A IT'S A CITY RIGHT NEXT TO GLENDALE AND  
3 BURBANK. IN THAT AREA.

4 Q OKAY. I THOUGHT IT WAS MAYBE LIKE A FACILITY  
5 OR SOMETHING.

6 A NO. IT WAS AT A CHURCH.

7 Q I'M NOT FROM HERE.

8 A IT WAS AT A CHURCH, LIKE IN A HUGE ROOM AT A  
9 CHURCH.

10 Q OKAY. WOULD YOU MEET THERE REGULARLY?

11 A YES.

12 Q ABOUT HOW MANY TIMES -- WAS IT WEEKLY OR  
13 MONTHLY --

14 A WEEKLY.

15 Q ABOUT HOW MANY TIMES A WEEK?

16 A THERE WERE CHOICES OF TWO TIMES A WEEK OR ONE  
17 DAY A WEEK FOR ABOUT FOUR HOURS.

18 Q WHICH CHOICE DID YOU ELECT TO FOLLOW?

19 A SUNDAY, FOUR HOURS.

20 Q AND AT THESE CLASSES, DID YOU GUYS DO SOME  
21 SORT OF REVIEW OF THE READING MATERIAL FROM THE  
22 PREVIOUS WEEK'S ASSIGNMENTS, OR HOW DID THAT WORK?

23 A FIRST, IF YOU WERE GIVEN AN ASSIGNMENT, YOU  
24 HAD TO WRITE AND TURN IT IN. EITHER EMAIL OR JUST  
25 BRING IT FORWARD AND SHE WILL READ IT AND GIVE YOU  
26 FEEDBACK, EITHER VIA EMAIL OR PERSONALLY.

27 OR VIDEOS, TOO. I CHOSE TO READ. I LIKE TO  
28 READ. THEN AS PART OF THE CLASS, SHE WILL GO THROUGH



1           WHATEVER ASPECTS OF WHAT SHE WAS TEACHING THAT DAY THAT  
2           SHE WANTED TO COVER.

3                        SO, LET'S SAY IT'S BREASTFEEDING. SHE WILL GO  
4           THROUGH MAYBE THE BENEFITS, HOW YOU DO IT, OR WHAT KIND  
5           OF BREASTFEEDING -- CLOSE TOGETHER, ALL THAT STUFF. SO  
6           VERY COMPREHENSIVE.

7           Q        AND THIS CLASS, YOU TALKED ABOUT ASSIGNMENTS  
8           THAT YOU BROUGHT IN, AND SHE'D REVIEW THEM, AND THEN  
9           TALK TO YOU ABOUT ISSUES IN THE PAPERS.

10                       WERE THESE GRADED?

11           A        NO.

12           Q        WAS THE CLASS FOR CREDIT?

13           A        NO.

14           Q        SO WHY WERE -- WHY WERE YOU BRINGING IN  
15           ASSIGNMENTS TO HER FOR REVIEW?

16           A        FEEDBACK. FEEDBACK, AND THAT'S THE WAY SHE  
17           WILL TEACH YOU WHERE YOU'RE LACKING.

18           Q        SO SHE'S BASICALLY TRYING TO MAKE SURE THAT  
19           YOU'RE UNDERSTANDING AND ABSORBING THE INFORMATION THAT  
20           YOU'RE GETTING?

21           A        OR IF YOU HAVE QUESTIONS, YOU WILL WRITE IT  
22           EITHER IN THE EMAIL OR THE ASSIGNMENT, AND SHE WILL  
23           ADDRESS THOSE.

24           Q        AND YOU MAY HAVE ALREADY TOLD US THIS, BUT  
25           ABOUT HOW LONG WAS IT THAT YOU WERE GOING TO THIS  
26           CLASS?

27           A        THREE TO FOUR MONTHS.

28           Q        WHEN DID YOU START?

1           A     FEBRUARY.

2           Q     SO TO LIKE MAY OR JUNE?

3           A     JUNE.  I GOT SOME EXTRA CLASSES.

4           Q     AND BY NOW, YOUR MOM HAD COME OUT FROM  
5 NEW YORK?

6           A     YES.

7           Q     WAS SHE GOING TO THESE CLASSES WITH YOU, OR  
8 WHAT WAS SHE DOING?

9           A     SHE WAS GOING TO THE CLASSES WITH ME.  I WAS  
10 VERY ILL AT THE TIME SO I COULDN'T REALLY TAKE CARE OF  
11 MYSELF.  SO MY MOM WAS TAKING CARE OF ME.

12                   DOING THE COOKING, THE LAUNDRY, MAKING SURE  
13 THAT I -- WHENEVER I GOT SICK THAT IF I GOT SICK ON THE  
14 STREET THAT SHE WILL CARE FOR ME.  OR IF I, LET'S SAY,  
15 VOMITED ON MYSELF, THEN I WAS TAKEN CARE OF.

16           Q     DID YOU DO -- AND MAYBE THIS WAS COVERED IN  
17 YOUR BIRTHING CLASSES, BUT YOU KNOW WHAT, LIKE A LAMAZE  
18 PROGRAM, THAT SORT OF THING IS?

19           A     YES.

20           Q     DID YOU GO THROUGH THAT -- A CLASS LIKE THAT  
21 WHERE YOU COULD SORT OF LEARN WHAT LABOR WAS ALL ABOUT  
22 AND HOW TO WORK YOUR WAY THROUGH THAT?

23           A     YES.

24           Q     WAS THAT PART OF THE BIRTHING CLASS?

25           A     YES.

26           Q     DID SOMEONE GO TO THAT PART OF THE CLASS WITH  
27 YOU?

28           A     IT WAS ALL -- IT WAS ALL PART OF THE

1 CURRICULUM. SO THAT WAS SORT OF THE UMBRELLA, AND ALL  
2 THESE DIFFERENT THINGS WERE PART OF THE CLASS  
3 CURRICULUM. SO THIS CLASS I WAS TAKING, IT WAS THE  
4 BRADLEY METHOD.

5 Q THE WHAT, SORRY?

6 A BRADLEY METHOD. BRADLEY.

7 Q CAN YOU SPELL -- BRADLEY?

8 A METHOD.

9 Q OKAY. WHAT IS THAT?

10 A IT'S A BIRTHING METHOD THAT USES A LOT OF  
11 HOLISTIC AND NON -- LIKE NO PAINKILLERS. JUST USING  
12 WHAT'S AROUND YOU TO HELP YOU GIVE BIRTH IN A HOLISTIC  
13 MANNER.

14 Q WHEN YOU SAY USING WHAT'S AROUND YOU, I THINK  
15 I UNDERSTOOD YOU TO SAY YOU'RE NOT RELYING ON  
16 MEDICATIONS OR DRUGS, THOSE SORTS OF THINGS TO MANAGE  
17 PAIN?

18 A CORRECT.

19 Q SO HOW DO YOU MANAGE THE PAIN?

20 A THERE'S DIFFERENT TECHNIQUES YOU LEARN. THE  
21 FIRST TECHNIQUE IS BREATHING, DIFFERENT TYPES OF  
22 BREATHING TO COPE WITH PAIN. THERE'S EXERCISES THAT  
23 YOU DO IN ORDER TO EASE YOUR BODY THROUGH LABOR.

24 Q AND HOW LONG DID THAT SEGMENT OF THIS CLASS GO  
25 ON -- OR WAS THAT THE SAME CLASS?

26 A YES.

27 Q HOW LONG WAS THAT SEGMENT?

28 A FOR ME IT TAKES LONGER THAN OTHER PEOPLE.

1 SINCE I WAS A FIRST-TIME MOM, I WAS REALLY SCARED. AND  
2 SO SHE ALWAYS -- THAT'S WHY SHE HAD GIVEN ME A FEW  
3 EXTRA CLASSES, SORT OF TO HELP ME HAVE CONFIDENCE THAT  
4 MY BODY CAN DO THAT.

5 Q AND YOUR MOM WAS IN YOUR CLASSES. WAS THERE  
6 ANY ROLE THAT YOUR MOM WAS TAUGHT, AT LEAST IN YOUR  
7 PRESENCE, THAT SHE COULD PLAY IN THE BIRTHING PROCESS  
8 TO HELP YOU THROUGH THAT?

9 A YES.

10 Q DESCRIBE THAT FOR US.

11 A SO WE HAD EXERCISES EVERY WEEK. AND I HAD TO  
12 DO THEM. SOME EXERCISES WERE HARD FOR ME. SO THE  
13 TEACHER, SHE WILL TEACH MY MOM HOW TO DO THEM IN THE  
14 CLASS SO THAT SHE WILL KNOW HOW TO DO THEM AT HOME WITH  
15 ME.

16 SO, FOR EXAMPLE, IF I NEEDED TO SLEEP, AND I  
17 WAS HAVING BACK PAIN, SHE TAUGHT MY MOM HOW TO COMPRESS  
18 MY LOWER BACK TO RELIEVE THE PAIN I FELT AT TIMES.  
19 THAT'S AN EXAMPLE.

20 Q I WANT TO TAKE YOU FORWARD A LITTLE BIT NOW,  
21 TO THE DAY RYAN WAS BORN. IS THAT OKAY?

22 A YEAH.

23 Q CAN YOU TELL US ABOUT THAT DAY? TAKE A DEEP  
24 BREATH. RAFAELINA, JUST LOOK AT ME. TAKE A DEEP  
25 BREATH. OPEN YOUR MOUTH.

26 TAKE A DEEP BREATH. IT'S OKAY. BREATHE IN,  
27 OUT. ALL RIGHT? THEY WANT TO HEAR IT. YOU HAVE TO  
28 BREATHE. THIS IS HEARTBREAKING.

1           A     I KNOW.  I'M TRYING.  IT WAS THE HAPPIEST DAY  
2 OF MY LIFE.

3           Q     IF YOU CAN PUT YOURSELF BACK IN YOUR HOME THAT  
4 MORNING.  WAS IT MORNING?

5           A     WHEN?  I'M SORRY.

6           Q     JUST TAKE US BACK TO THE MOMENT WHEN YOU KNEW  
7 THIS BABY WAS COMING.

8           A     OKAY.

9           Q     OKAY?  ARE YOU THERE?

10          A     MM-HMM.

11          Q     SHARE WITH US.  WHAT HAPPENED?

12          A     DO YOU MEAN WHEN I WAS TOLD I WAS PREGNANT,  
13 OR --

14          Q     NO.  THE DAY THE BABY'S BORN.

15          A     OH.

16          Q     OKAY.  DID YOU -- WERE YOU LAYING IN BED, FELT  
17 A CONTRACTION, IN THE KITCHEN?  WHERE WERE YOU WHEN YOU  
18 FIRST FIGURED OUT THAT SOMETHING'S GOING TO HAPPEN  
19 TODAY?

20          A     I WAS LAYING DOWN IN MY BED.  AND IT WAS LATE  
21 AFTERNOON.

22          Q     AND YOU FELT SOMETHING GOING ON.

23          A     YES.

24          Q     WAS YOUR MOM THERE WITH YOU?

25          A     SHE WAS IN THE KITCHEN.

26          Q     DID YOU CALL OUT TO HER?

27          A     YES.

28          Q     DID SHE COME RUNNING?

1 A YES.

2 Q WHAT DID YOU GUYS DO FROM THERE?

3 A WE CALLED MY FRIEND WHO WAS A DOULA AT THE  
4 TIME. AND SHE WAS SUPPOSED TO KIND OF BE WITH ME  
5 THROUGH THE PROCESS OF BIRTHING AND JUST ANOTHER  
6 SUPPORT FOR ME.

7 Q DID YOUR DOULA COME AND HELP GET YOU TO THE  
8 HOSPITAL?

9 A YES.

10 Q MOM WENT WITH YOU?

11 A YES.

12 Q THREE OF YOU ARRIVED AT THE HOSPITAL. JUST  
13 BRIEFLY, WHAT HAPPENED FROM THERE?

14 A WE GOT TO THE HOSPITAL. I WAS ADMITTED AND I  
15 WAS TOLD TO START WALKING ON THE HALLWAY, AND BOTH MY  
16 MOM AND MY FRIEND WERE HELPING ME TO DO THAT.

17 Q SO THIS WALKING AROUND THE HALLWAY, DID THEY  
18 EXPLAIN TO YOU WHAT THE PURPOSE OF THAT WAS?

19 A YES.

20 Q CAN YOU SHARE THAT WITH US?

21 A YES. I WAS IN A LOT OF PAIN AND BECAUSE I  
22 DIDN'T WANT MEDICATION, I NEEDED TO DO THINGS TO EASE  
23 THE LABOR, LIKE WALKING OR SITTING ON A BALL.

24 JUST SO THAT I'M NOT STRESSED OUT AND I STALL  
25 THE BIRTH, OR, YOU KNOW, STALL THE PROCESS OF  
26 CONTRACTIONS AND GIVING BIRTH.

27 Q NOW, WHEN YOU TALK ABOUT MEDICATIONS, IT WAS  
28 THE PAIN MEDICATION THAT YOU DIDN'T HAVE. RIGHT?

1           A     CORRECT.

2           Q     DID YOU -- OR DID THEY GIVE YOU ANY OTHER  
3           MEDICATIONS, LIKE PITOCIN, OR ANYTHING TO SORT OF HELP  
4           SPEED UP THAT LABOR PROCESS?

5           A     NO.

6           Q     HOW LONG WAS YOUR LABOR?

7           A     I LABORED AT HOME A LITTLE BIT, SO IT WAS  
8           BETWEEN 36 AND 38 HOURS.

9           Q     WHEN WAS -- WHEN WAS BABY RYAN ACTUALLY BORN?  
10          WHEN WAS IT OVER?

11          A     THE MORNING OF AUGUST 2ND.

12          Q     SHARE WITH US A LITTLE BIT ABOUT THAT MORNING,  
13          AUGUST 2ND, WHEN YOU FIRST MET FACE-TO-FACE YOUR BABY?

14          A     I WAS SO HAPPY. I LOOKED AT HIM, AND IT WAS  
15          GREAT TO MEET HIM. I HAD BEEN WAITING FOR SO LONG TO  
16          HOLD HIM AND FOR US TO START THAT PART OF OUR LIVES  
17          TOGETHER. AND I WAS REALLY REALLY HAPPY.

18          Q     NOW, THERE'S A STACK OF PHOTOGRAPHS THERE IN  
19          FRONT OF YOU. AND I'D LIKE YOU, IF YOU WOULD, TO TURN  
20          TO, SHOULD BE THE FIRST ONE IN YOUR STACK.

21                   ON THE BACK, THERE'S -- OR ACTUALLY, I GUESS  
22          THEY PUT STICKIES ON. I'M LOOKING FOR EXHIBIT  
23          NUMBER 606. IS THAT THE ONE YOU'VE GOT THERE?

24          A     (NO AUDIBLE RESPONSE.)

25          Q     CAN YOU GO AHEAD AND DESCRIBE FOR US WHAT IS  
26          DEPICTED THERE IN THAT PHOTO?

27          A     ME AND MY MOM, AND I'M HOLDING MY BABY.

28          Q     NOW, ABOUT HOW LONG AFTER HE WAS BORN IS THIS

1 PICTURE?

2 A PROBABLY HALF AN HOUR.

3 Q HAD HE FED YET?

4 A NO.

5 Q LET'S TALK A LITTLE BIT ABOUT THE THINGS THAT  
6 HAPPENED IMMEDIATELY AFTER BABY RYAN'S BORN. WHAT ARE  
7 THE STEPS THAT THE HOSPITAL STAFF WENT THROUGH?

8 A HE CAME OUT. MY MOM WAS ASKED TO CUT THE  
9 UMBILICAL CORD AFTER THEY HAD PUT HIM ON MY BELLY FOR A  
10 BIT. SHE DID. THEN THEY WRAPPED HIM IN A BLANKET AND  
11 JUST LEFT HIM THERE FOR A FEW MINUTES.

12 AND THEN THEY TOOK HIM TO THIS SECTION RIGHT  
13 NEXT TO US WHERE THEY WERE SUCTIONING AND CLEANING HIM,  
14 AND THEY WRAPPED HIM AND PUT A LITTLE HAT AND BROUGHT  
15 HIM BACK TO ME TO HOLD HIM.

16 Q DID THEY ASK YOU TO TRY TO FEED HIM THERE?

17 A THEY PUT HIM AT THE BREAST JUST SO THAT HE CAN  
18 FEEL MY WARMTH. AND I WAS HOLDING HIM. I THOUGHT HE  
19 WOULD DO THAT NATURALLY. BUT HE JUST HANG OUT AT THE  
20 BREAST. AND IT WAS OKAY.

21 Q ALL RIGHT. AND FROM THAT MOMENT, AT SOME  
22 POINT, YOU MOVED OFF TO A RECOVERY ROOM?

23 A YES.

24 Q YOU KNOW ABOUT HOW LONG IT WAS BETWEEN THE  
25 TIME BABY RYAN WAS BORN AND THE TIME THAT YOU WERE  
26 MOVED OFF TO THE RECOVERY ROOM?

27 A YES. IT WAS BETWEEN TWO-AND-A-HALF AND THREE  
28 HOURS.



1 Q I'M SORRY?

2 A IT WAS BETWEEN TWO-AND-A-HALF AND THREE HOURS.

3 Q SHARE WITH US A LITTLE BIT ABOUT THE THINGS  
4 THAT WENT ON IN THE RECOVERY ROOM. BUT I WANT TO  
5 FOCUS, JUST WITH RESPECT TO FEEDING THE BABY. OKAY?

6 A OKAY.

7 Q CAN YOU TELL US ABOUT THAT?

8 A WHEN THEY -- WHEN THEY HAD PUT HIM ON MY  
9 BREAST, THEY HAD ASKED ME TO JUST KIND OF PUT HIM ON  
10 THE BREAST SO THAT HE CAN SUCTION. BUT HE DIDN'T.

11 HE DIDN'T SUCTION, AND THE NURSE WILL GO LIKE  
12 THIS. AND HE WAS JUST HANGING OUT. JUST PEACEFUL.  
13 JUST HANGING OUT. NOT DOING ANYTHING.

14 (PAUSE IN THE PROCEEDINGS)

15 (TECHNICAL INTERRUPTION)

16 THE COURT: ALL RIGHT. WE'RE BACK ON THE  
17 RECORD.

18 MR. MCMILLAN: THANK YOU, YOUR HONOR.

19 BY MR. MCMILLAN:

20 Q NOW, BEFORE THE SHORT BREAK THERE, YOU WERE  
21 TALKING TO US ABOUT WHEN THE NURSES PUT BABY RYAN ON  
22 YOUR BREAST, AND HE WASN'T SUCTIONING OR SUCKING.

23 AND I THINK YOU SAID THE NURSE THEN DID SOME  
24 SORT OF THING WITH HIS CHEEKS TO TRY TO HELP WITH THAT.  
25 DO YOU REMEMBER THAT?

26 A YES.

27 Q AND HOW DID THAT GO?

28 A HE DIDN'T DO ANYTHING. AND I THOUGHT IT WAS

1 ODD, BUT --

2 Q YOU THOUGHT HE WAS WHAT?

3 A I THOUGHT IT WAS A LITTLE ODD. BUT I -- I WAS  
4 JUST TOO HAPPY THAT I HAD THE BABY. AND SOME BABIES  
5 DO, SOME BABIES DON'T. SO IT'S OKAY.

6 Q WELL, LET ME ASK YOU: THE NURSES THERE WERE  
7 TRYING TO HELP YOU. IS THAT RIGHT?

8 A YES.

9 Q WAS THERE ANYBODY ELSE THERE WITH THE NURSE  
10 WHEN THIS IS GOING ON, WITH THE BABY ON YOUR BREAST AND  
11 HE'S NOT SUCKING?

12 A YES. MY OBG WAS THERE. MY MOM, MY DOULA.  
13 AND HE JUST FELL ASLEEP AT THE BREAST AT SOME POINT, SO  
14 THEY JUST PUT HIM IN A LITTLE HOSPITAL CRIB RIGHT NEXT  
15 TO ME.

16 Q SO AT THAT POINT, DID THE OBG -- THAT'S THE  
17 DOCTOR, RIGHT?

18 A YES.

19 Q DID THE DOCTOR, THE NURSE, YOUR DOULA, ANYBODY  
20 EXPRESS ANY CONCERN OVER THE FACT THAT HE WAS NOT  
21 EATING?

22 A NOT THEN, NO.

23 Q AT SOME POINT, DID THEY?

24 A YES.

25 Q WHY DON'T WE GO FORWARD AND SHARE WITH US WHAT  
26 HAPPENS WHEN THE DOCTORS, THE NURSES, THE STAFF DO  
27 EXPRESS SOME CONCERN OVER THE BABY'S NOT EATING?

28 A WE HAD ALREADY BEEN MOVED TO OUR ROOM. AND IT

1 WAS TIME FOR HIS FIRST FEEDING. AND THE NURSE THAT WAS  
2 HELPING ME, SHE WAS ALSO A LACTATION CONSULTANT.

3 SO SHE WAS TRYING TO TEACH ME, JUST DIFFERENT  
4 POSITIONS TO HELP HIM LATCH ON. AND WHEN WE WERE  
5 PUTTING HIM AT THE BREAST, HE WASN'T LATCHING ON.

6 SO SHE WAS DOING ALL THESE PROMPTS, YOU KNOW,  
7 JUST TO GET HIM TO KIND OF LATCH ON AND START SUCKING.  
8 BUT HE WASN'T DOING THAT.

9 THEN SHE ASKED IF WE CAN EXPRESS SOME MILK AND  
10 FEED IT THROUGH A LITTLE BOTTLE THAT THEY HAD.

11 Q WHEN YOU SAY EXPRESS SOME MILK, CAN YOU JUST  
12 SORT OF DESCRIBE FOR US WHAT THAT -- WHAT ARE WE  
13 TALKING ABOUT THERE?

14 A COLOSTRUM.

15 Q YEAH, BUT THE PROCESS. WHEN YOU SAY EXPRESS,  
16 WHAT ARE WE TALKING ABOUT?

17 A PUMPING MILK FROM MY BREAST THROUGH A HOSPITAL  
18 PUMP TO A LITTLE BOTTLE TO GIVE TO THE BABY.

19 Q OKAY. AND DID YOU DO THAT? YOU FOLLOWED THAT  
20 RECOMMENDATION?

21 A I DID.

22 Q TELL US ABOUT THAT. HOW DID THAT WORK OUT?

23 A I EXPRESSED THE MILK. WE PUT IT IN A LITTLE  
24 BOTTLE, AND I WAS TRYING TO FEED THE BABY THE  
25 COLOSTRUM. AND HE KEPT VOMITING IT BACK. AND AT SOME  
26 POINT, SHE JUST GRABBED THE BABY FROM MY HANDS.

27 Q WHEN YOU SAY SHE, WHO ARE WE TALKING ABOUT?

28 A THE NURSE THAT WAS WORKING WITH ME.

1 Q OKAY. GO AHEAD. WHAT HAPPENS WITH THIS NURSE  
2 AND THE BABY?

3 A SHE JUST GRABS THE BABY FROM MY ARMS AND SHE  
4 STARTS RUNNING THROUGH THE HALLWAY. AND I DIDN'T KNOW  
5 WHAT WAS HAPPENING. AND I WAS WORRIED.

6 AND I JUST JUMPED OUT OF THE BED, AND I -- I'M  
7 RUNNING RIGHT BEHIND HER ASKING HER WHAT'S WRONG. AND  
8 SHE WASN'T SAYING ANYTHING. SHE WAS JUST RUNNING  
9 THROUGH THE HALLWAY INTO A ROOM.

10 Q AT SOME POINT, YOU GET TO THE ROOM, AND WHAT  
11 HAPPENS THERE?

12 A SHE LOCKED THE DOOR TO THE ROOM. AND ALL I  
13 CAN SEE WAS THE BABY THROUGH THIS GLASS -- THIS GLASS  
14 WINDOW.

15 AND I JUST SEE THEM PUTTING ALL THESE TUBES,  
16 AND, YOU KNOW, THROUGH THE BABY'S MOUTH, AND HIS  
17 NOSTRILS, AND -- BUT I DIDN'T KNOW WHAT WAS HAPPENING  
18 AT THE TIME.

19 Q AT SOME POINT, DID SOMEBODY COME OUT AND LET  
20 YOU KNOW WHAT WAS GOING ON?

21 A YES.

22 Q CAN YOU TELL US A LITTLE BIT ABOUT THAT?

23 A THE NURSE HAD TOLD ME THAT -- THAT HE HAD  
24 SWALLOWED MECONIUM.

25 Q I'M SORRY?

26 A HE HAD SWALLOWED MECONIUM.

27 Q OKAY. YOU'RE GOING TO HAVE TO EXPLAIN THAT  
28 FOR US. MECONIUM, YOU SAID?

1 A YEAH.

2 Q WHAT IS THAT?

3 A IT'S POOP, PROBABLY AS HE WAS BEING BORN. AND  
4 THEY THOUGHT THAT WAS THE CAUSE WHY HE WAS VOMITING  
5 BACK THE MILK.

6 Q AND FROM THAT POINT, YOU GOT BACK INTO YOUR  
7 ROOM AT SOME POINT?

8 A YES.

9 Q WAS THAT THE FIRST DAY THAT YOU WERE IN THE  
10 HOSPITAL?

11 A YES.

12 Q HOW LONG AFTER THAT DID YOU REMAIN IN THE  
13 HOSPITAL WITH THE BABY?

14 A THAT WAS ON A SATURDAY, AND WE LEFT MONDAY  
15 NIGHT. SO THREE DAYS.

16 Q THREE DAYS TOTAL?

17 A MM-HMM.

18 Q WAS THERE ANYTHING ELSE, WITH RESPECT TO THESE  
19 FEEDING ISSUES -- WELL, AFTER THEY GOT THE MECONIUM  
20 OUT, WAS HE THEN ABLE TO GO AHEAD AND EAT?

21 A A LITTLE BETTER, BUT HIS SUCKING WAS STILL  
22 VERY POOR.

23 Q THE NURSES -- WELL, LET ME ASK YOU. AT THIS  
24 POINT, YOU MENTIONED A NURSE, AND I THINK YOU SAID THE  
25 NURSE WAS ALSO A LACTATION CONSULTANT?

26 A YES.

27 Q WAS YOUR OBG DOCTOR STILL INVOLVED, ONCE YOU  
28 GOT BACK FROM THE MECONIUM EPISODE?

1           A     NO.

2           Q     WAS THERE ANYBODY ELSE, ASIDE FROM THE NURSE  
3 WHO WAS THERE, TO HELP YOU TRY TO GET THE BABY EATING?

4           A     NO. JUST THE NURSE THAT WAS TAKING CARE OF US  
5 WHEN THEY WERE -- WHEN THEY WERE DEALING WITH THE ISSUE  
6 OF THE MECONIUM.

7                     THERE WAS A PEDIATRICIAN ON -- THERE FOR THAT.  
8 BUT I DIDN'T SEE HER UNTIL LATER THAT AFTERNOON, THAT  
9 SHE CAME AND DID HER ROUND TO SEE HOW HE WAS DOING.

10          Q     OKAY. SO IT WAS JUST THE NURSE SLASH  
11 NUTRITION -- NOT NUTRITION -- LACTATION CONSULTANT THAT  
12 WAS HELPING YOU THROUGH THE PROCESS OF GETTING THE BABY  
13 TO EAT AFTER THE MECONIUM HAD BEEN PUMPED OUT AND  
14 RESOLVED?

15          A     YES.

16          Q     CAN YOU SHARE WITH US A LITTLE BIT ABOUT SOME  
17 OF THE THINGS THAT SHE DID TO TRY TO HELP WITH THAT  
18 PROCESS?

19          A     YES. WE WENT THROUGH DIFFERENT POSITIONS,  
20 EITHER USING PILLOWS OR JUST DIFFERENT WAYS TO HELP HIM  
21 TO SUCK, LIKE DOING PROMPTS FOR HIM. THAT KIND OF  
22 STUFF.

23          Q     WAS THAT EFFECTIVE?

24          A     I THINK SO.

25          Q     BY THE TIME THAT YOU WERE READY FOR DISCHARGE,  
26 I THINK YOU SAID MONDAY?

27          A     MM-HMM.

28          Q     WAS THIS FEEDING ISSUE FULLY RESOLVED?

1           A     NO.

2           Q     WHAT WAS STILL GOING ON?

3           A     THE POOR SUCKING WAS AN ISSUE.  THE LATCHING  
4     HAD IMPROVED BUT WE STILL NEEDED WORK.

5           Q     ALL RIGHT.  SO I WANT TO SORT OF MARCH FORWARD  
6     NOW TO YOUR FIRST NIGHT AT HOME WITH YOUR NEW BABY.  
7     HAD YOU DONE ANYTHING TO PREPARE YOUR HOUSE FOR HIM?

8           A     YES.

9           Q     CAN YOU SHARE THAT WITH US?

10          A     I WENT SHOPPING.  I DESIGN HIS ROOM WITH  
11     COLORS THAT I THOUGHT WILL -- HE WILL LIKE.  I JUST  
12     BOUGHT A LOT OF STUFF THAT -- TOYS, FURNITURE, A  
13     CERTAIN COLOR, CRIB.

14          Q     BABY CLOTHES?

15          A     YES.  MATCHING CRIBS AND SHEETS AND ALL THAT  
16     GOOD STUFF.  SO I REALLY WANTED MY BABY TO HAVE THE  
17     BEST OF WHAT HE COULD HAVE.

18          Q     SOME PARENTS, NOT ALL PARENTS, BUT SOME  
19     PARENTS, WHEN THEY PUT TOGETHER THEIR ROOMS, THEY PICK  
20     SORT OF LIKE A THEME.

21                     DID YOU DO THAT?

22          A     I DID.

23          Q     WHAT THEME?

24          A     COW OVER THE MOON, THE NURSERY RHYME.

25          Q     DID YOU GET THAT FROM THE BOOK?

26          A     MM-HMM.  YES.

27          Q     SO YOU BRING THE BABY HOME.  CAN YOU SHARE  
28     WITH US A LITTLE BIT -- AGAIN, I REALLY JUST WANT TO

1 FOCUS ON ANY FEEDING ISSUES. CAN YOU SHARE WITH US A  
2 LITTLE BIT ABOUT HOW THAT FIRST DAY AT HOME GOES?

3 A YES. WE -- I GOT DISCHARGED AROUND 6:30, 7:00  
4 SO WE GOT HOME. THE BABY WAS SLEEPING. AND WHEN IT  
5 WAS TIME FOR HIS FEEDING, I TRIED LATCHING HIM ON  
6 EITHER BREAST.

7 I TRIED DIFFERENT POSITIONS. AND HE JUST  
8 WOULDN'T TAKE THE BREAST. I WAS GIVEN THIS LITTLE BOX  
9 AT THE HOSPITAL.

10 AND IT HAD FORMULA READY TO GO JUST IN CASE I  
11 HAD A PROBLEM WITH EXPRESSING OR ANYTHING. I TRIED  
12 THAT. HE DIDN'T WANT THAT. I WENT AHEAD, PUT HIM BACK  
13 TO SLEEP.

14 TRIED AGAIN A SECOND TIME. NOW WE'RE TALKING  
15 ABOUT 9:30, 10:00. HE WOULDN'T EAT.

16 Q AT SOME POINT, DO YOU START TO GET CONCERNED  
17 THAT HE'S NOT EATING?

18 A I WAS ALREADY CONCERNED. IT'S ALREADY BEEN  
19 OVER FIVE HOURS. AND I KIND OF FREAKED OUT AND I  
20 CALLED MY LACTATION CONSULTANT.

21 Q WHO WAS THAT?

22 A ROSA BAGDAZARIAN.

23 Q WERE YOU ABLE TO -- WHAT TIME WAS IT WHEN YOU  
24 CALLED HER?

25 A 10:30.

26 Q WERE YOU ABLE TO GET AHOLD OF HER?

27 A YES.

28 Q WAS SHE ABLE TO HELP YOU?



1           A     YES.

2           Q     TELL US ABOUT THAT.

3           A     SHE ASKED ME TO COME BY HER HOUSE. SHE WAS  
4     STILL AT THE HOSPITAL. SHE WAS GOING TO MEET ME AT HER  
5     HOUSE. AND SHE GAVE ME SYRINGES SO I WILL EXPRESS THE  
6     MILK AND FEED HIM THROUGH SYRINGES UNTIL THE NEXT DAY  
7     WHEN I WILL COME IN, AND SHE WILL HELP ME FURTHER.

8           Q     LET ME MAKE SURE I HAVE THIS CLEAR. YOU  
9     WENT -- DID YOU GO TO HER HOME?

10          A     YES.

11          Q     OKAY. AND THESE SYRINGES THAT SHE GAVE YOU,  
12     CAN YOU SORT OF DESCRIBE FOR US WHAT THAT IS -- YEAH,  
13     WHAT THAT IS, WHAT IT LOOKS LIKE?

14          A     SURE. THE SYRINGES, THERE'S DIFFERENT ONES  
15     BUT THE ONES SHE GAVE ME, THEY'RE ABOUT THIS LONG, AND  
16     AT THE END, THEY KIND OF HAVE A HOOK. AND SHE TAUGHT  
17     ME HOW TO DO IT SO THAT I CAN DO IT PROPERLY.

18                     AND BASICALLY, YOU JUST PUT YOUR FINGER ON THE  
19     BABY'S MOUTH WITH THE RIGHT HAND, AND THEN, AS YOU'RE  
20     HOLDING THE BABY, YOU'RE HOLDING THE SYRINGE WITH THE  
21     LEFT HAND SO THE MILK IS COMING DOWN, BUT THEN WITH THE  
22     FINGER YOU'RE KIND OF PROMPTING HIM TO SUCK AND SWALLOW  
23     THE MILK.

24          Q     AND MS. BAGDAZARIAN, SHE TAUGHT YOU HOW TO DO  
25     THAT THAT EVENING?

26          A     YES.

27          Q     DID YOU DO THAT?

28          A     I DID.

1 Q DID IT WORK OUT?

2 A YES.

3 Q OKAY. SO THAT EVENING YOU WERE ABLE TO FEED  
4 THE BABY?

5 A YES.

6 Q BUT YOU HAD TO USE THIS SYRINGE TOOL?

7 A YES.

8 Q AND YOU SAID THAT YOU HAD TO -- I THINK YOU  
9 SAID YOU HAD TO EXPRESS MILK TO FILL THE SYRINGES?

10 A YES.

11 Q HOW DID YOU GO ABOUT DOING THAT?

12 A I HAD RENTED A HOSPITAL PUMP FROM HER.  
13 ALTHOUGH I HAD A PUMP, A HOSPITAL PUMP IS JUST FASTER,  
14 AND IT GETS EVERYTHING OUT.

15 SO I WILL HAVE THESE LITTLE BOTTLES, AND I  
16 WILL JUST GET THE SYRINGE AND FILL IT UP FROM THE  
17 BOTTLE AND DO THE FEEDINGS.

18 Q DID YOU HAVE TO CONTINUE WITH THAT SORT OF  
19 FEEDING PROCESS FOR A PERIOD OF TIME?

20 A YES.

21 Q ABOUT HOW LONG DID YOU CONTINUE FEEDING HIM  
22 WITH THE SYRINGE PROCESS?

23 A RELIGIOUSLY, THREE WEEKS, BUT I STOPPED AT  
24 ABOUT A MONTH-AND-A-HALF AFTER THAT DAY.

25 Q WHEN YOU SAY RELIGIOUSLY THREE WEEKS, WHAT DO  
26 YOU MEAN?

27 A MEANING EVERY DAY, AT LEAST SIX FEEDINGS WERE  
28 WITH SYRINGE. AND THE REST WAS BREAST AND STILL

1 WORKING ON TEACHING HIM HOW TO LATCH ON.

2 WORKING ON HIS SUCKING, AND JUST WORKING HIS  
3 REFLEXES SO HE WILL DO IT ON HIS OWN AND WITHOUT ANY  
4 PROMPT.

5 Q NOW, AT SOME POINT IN TIME, AND YOU CAN SHARE  
6 WITH US WHEN, WHETHER IT WAS AT THE HOSPITAL OR WITH  
7 MS. BAGDAZARIAN, DID SOMEBODY TEACH YOU SOME OF THE  
8 TECHNIQUES OR MECHANISMS THAT YOU MIGHT USE TO TRY TO  
9 HELP THE BABY LEARN HOW TO LATCH ON AND HOW TO SUCK  
10 MILK FROM THE BREAST?

11 A I HAD A GREAT SUPPORT SYSTEM. IT STARTED AT  
12 THE HOSPITAL WITH MS. BAGDAZARIAN, AND ALSO SHE HAD  
13 ARRANGED FOR ME TO GO TO THESE SUPPORT GROUPS WHERE I  
14 HAD SOMEONE ONE-ON-ONE HELPING ME HOW TO WORK IN THE,  
15 YOU KNOW, THE LITTLE ISSUES THAT WERE LEFT TO WORK ON.

16 Q SO MAKE SURE I'M UNDERSTANDING CORRECTLY.  
17 YES, YOU DID LEARN SOME OF THE TECHNIQUES AND  
18 MECHANISMS THAT YOU NEEDED TO KNOW IN ORDER TO TEACH  
19 THE BABY HOW TO LATCH ON AND FEED?

20 A YES.

21 Q OKAY. CAN YOU SHARE WITH US WHAT SOME OF  
22 THOSE TECHNIQUES WERE?

23 A SURE. I LEARNED HOW TO POSITION HIM, JUST  
24 DIFFERENT WAYS TO HELP HIM BE COMFORTABLE THROUGH HIS  
25 FEEDINGS.

26 I ALSO JUST HAD -- WHEN I -- ESPECIALLY WHEN I  
27 WAS AT THE SUPPORT GROUPS, THEY WOULD GIVE ME FEEDBACK  
28 ON HOW TO PROPERLY POSITION HIM FOR HIM TO BE ABLE TO

1 GET MILK AND HOW I WILL KNOW WHAT HIS CUE WAS WHEN HE  
2 WAS DONE.

3 HOW I WOULD KNOW WHEN HE WAS DONE WITH HIS  
4 FEEDINGS, AND YOU KNOW, JUST DIFFERENT THINGS LIKE  
5 THAT.

6 Q YOU MENTIONED SUPPORT GROUPS. DID YOU  
7 CONTINUE TO GO TO THESE SUPPORT GROUPS AFTER THE BABY  
8 WAS BORN, OR ARE YOU TALKING ABOUT BEFORE THE BABY WAS  
9 BORN?

10 A NO. THE SUPPORT GROUPS CAME AFTER THE BABY  
11 WAS BORN. I WENT TO DIFFERENT KIND OF SUPPORT GROUPS,  
12 THE ONES THAT MS. BAGDAZARIAN HAD ARRANGED FOR ME. BUT  
13 I ALSO TOOK A FEW CLASSES AT THE PUMP STATION IN SANTA  
14 MONICA.

15 Q THE PUMP STATION, WHAT IS THAT?

16 A IT'S A PLACE WHERE NEW MOMS GO TO JUST GET  
17 HELP WITH BREASTFEEDING ISSUES. YOU PAY FOR THE CLASS.  
18 DEPENDING ON WHAT THEY'RE TEACHING THAT DAY, YOU KNOW,  
19 IT'S JUST ANOTHER CLASS FOR YOU TO GET BETTER AT IT.

20 Q OKAY. AND I THINK THAT YOU SAID THAT THIS  
21 SCHEDULE OF DAILY FEEDING WITH THE SYRINGE CONTINUED  
22 FOR ABOUT THREE WEEKS, AND THEN BY A MONTH-AND-A-HALF,  
23 HE WAS -- AM I UNDERSTANDING RIGHT, THAT HE WAS ABLE TO  
24 FEED ON HIS OWN?

25 A SO THE FIRST THREE WEEKS, THE SYRINGE FEEDING  
26 WAS TO ENSURE HE WAS GETTING FOOD. THE REST OF THE  
27 FEEDINGS FOR THE DAY WAS TO ENSURE HE'S LEARNING HOW TO  
28 FEED.

1           AFTER THE SYRINGE FEEDINGS WERE NOT NEEDED,  
2           THE NEXT STEP WAS TO TEACH TO THE BOTTLE, SO WHEN HE  
3           GETS THE NIPPLE IN HIS MOUTH, HE WOULD KNOW THAT IT'S  
4           THE SAME THING AS HAVING MY FINGER IN THERE.

5           HE'S SUPPOSED TO DO THE SAME THING, JUST SUCK  
6           AND GET THE MILK.

7           Q        AND EVENTUALLY, YOU AND HE WERE ABLE TO LEARN  
8           HOW -- FOR YOU TO FEED HIM, AND FOR HIM TO EAT?

9           A        YES.

10          Q        NOW, AT SOME POINT -- DO YOU REMEMBER DR. YIM?  
11          SHE WAS HERE, MAYBE TWO WEEKS AGO?

12          A        YES.

13          Q        AT SOME POINT, YOU STARTED A RELATIONSHIP WITH  
14          DR. YIM?

15          A        YES.

16          Q        CAN YOU TELL US A LITTLE BIT ABOUT THAT FIRST  
17          MEETING?

18          A        YES. IT WAS FOR ONE OF HIS WELLNESS VISITS,  
19          THE SECOND WELLNESS VISIT. AND I HAD -- DR. YIM HAD  
20          BEEN RECOMMENDED BY A FRIEND. SO I MADE THE  
21          APPOINTMENT.

22                 I WENT THERE. I MET HER. AND I -- WE TALKED  
23          ABOUT HOW THE BABY WAS DOING. I HAD TOLD HER ABOUT,  
24          YOU KNOW, THE CHALLENGES I HAD, BUT I THOUGHT WE -- WE  
25          DID IT. YOU KNOW?

26                 HE'S LATCHING ON, HE'S WORKING ON HIS SUCKING.  
27          WE'RE DOING WELL. HE'S GAINING WEIGHT. I WEIGH HIM  
28          AFTER EACH FEEDING, HE'S OKAY. AND SHE WAS FINE WITH

1 IT.

2 Q AND FOR A WHILE, HE DID DO WELL?

3 A YEAH.

4 Q AT SOME POINT IN TIME, WHEN YOU WERE WORKING  
5 WITH DR. YIM, DID THE TWO OF YOU NOTICE THAT, YOU KNOW,  
6 MAYBE HE WASN'T DOING SO WELL ANYMORE?

7 A YES.

8 Q CAN YOU TELL US A LITTLE BIT ABOUT THAT, WHEN  
9 YOU FIRST THOUGHT THERE MIGHT BE AN ISSUE?

10 A YES. IT WAS ABOUT THREE-AND-A-HALF, FOUR  
11 MONTHS. HE WAS TEETHING. HE HAD THIS TERRIBLE COLD,  
12 AND I HAD BROUGHT IN HIM. I SAID LISTEN, HE'S NOT --  
13 HE'S NOT GAINING. I'M WEIGHING HIM AFTER EVERY  
14 FEEDING.

15 I, YOU KNOW, IT'S JUST LEVELED. AND SHE  
16 ASSURED ME THAT WHEN BABIES HAVE COLDS, YOU KNOW, THEY  
17 DON'T NECESSARILY PUT WEIGHT THE SAME WAY. THAT HE'S  
18 TEETHING.

19 SO I RESTED, THAT EVERYTHING WAS OKAY, AND AS  
20 SOON AS HE GOT OVER HIS COLD, YOU KNOW, EVERYTHING WILL  
21 GO BACK TO NORMAL.

22 Q SO ESSENTIALLY, SHE TOLD YOU, LOOK, IT'S  
23 NORMAL, DON'T WORRY ABOUT IT?

24 A YES.

25 Q BUT AT SOME POINT, DID THE TWO OF YOU FIGURE  
26 OUT THAT MAYBE IT WASN'T NORMAL?

27 A YES.

28 Q CAN YOU SHARE WITH US A LITTLE BIT ABOUT HOW

1 THAT PROCESS CAME ABOUT? HOW YOU FIGURED OUT THAT  
2 MAYBE THIS LEVELING OFF OF THE WEIGHT GAIN WAS  
3 SOMETHING MORE THAN JUST TEETHING OR A COLD?

4 A YES. IN JANUARY, HE HAD THIS MAJOR COLD. AND  
5 TOWARDS THE END, I HAD TAKEN HIM FOR HIS SIX-MONTH  
6 WELLNESS CHECK-UP. AND THERE WERE ISSUES OF HIM  
7 MEETING HIS MILESTONES AT THE TIME.

8 AND I HAD EXPRESSED MY CONCERN TO HER. AGAIN,  
9 THAT WHEN I'M WEIGHING HIM, I DON'T SEE THE WEIGHT  
10 INCREASING AS IT SHOULD, BASED ON, YOU KNOW, WHAT THE  
11 BABY'S SUPPOSED TO BE GAINING OR EVEN HOW HE WAS  
12 GAINING BEFORE.

13 AND SHE SAID, LET'S JUST MONITOR IT. LET'S  
14 WORK ON -- HE'S NOT MEETING SOME MILESTONES, LET'S  
15 FOCUS ON THAT RIGHT NOW. LET'S SEE WHAT HAPPENS.

16 LET'S JUST MONITOR. SO I WAS FINE WITH THAT.  
17 SO ON THAT OCCASION, I ALSO DID THE SAME THING. OKAY.  
18 SHE SAID IT'S OKAY. LET IT BE.

19 Q NOW, YOU TALKED A LITTLE BIT ABOUT HOW YOU'RE  
20 WEIGHING THE BABY ON YOUR OWN. WAS THAT AT HOME?

21 A YES.

22 Q DID YOU -- YOU BOUGHT A SCALE?

23 A YES.

24 Q YOU KEPT THAT SCALE ALL THESE YEARS?

25 A (NO AUDIBLE RESPONSE.)

26 Q I WANT TO FAST FORWARD A LITTLE BIT TO JUNE  
27 OF 2009.

28 A OKAY.

1 Q HOW OLD IS BABY NOW?

2 A NINE MONTHS.

3 Q AND BY NOW, MR. MILLS -- YOU AND MR. MILLS,  
4 YOU'RE WORKING OVER IN FAMILY COURT?

5 A YES.

6 Q AND THERE'S SOME ISSUES GOING ON THERE WITH  
7 RESPECT TO CUSTODY, VISITATION, THINGS LIKE THAT?

8 A YES.

9 Q ARE YOU STILL VISITING WITH DR. YIM AND  
10 MONITORING THE BABY'S PROGRESS?

11 A YES.

12 Q HAS HE STARTED GAINING WEIGHT AGAIN?

13 A (NO AUDIBLE RESPONSE.)

14 Q STILL KIND OF FLAT-LINED?

15 A MM-HMM. YES.

16 Q AT SOME POINT, DOES DR. YIM STOP SEEING BABY  
17 RYAN?

18 A YES.

19 Q CAN YOU SHARE WITH US A LITTLE BIT ABOUT HOW  
20 THAT CAME ABOUT?

21 A I RECEIVED A LETTER IN THE MAIL SAYING THAT  
22 SHE WILL NO LONGER -- NO LONGER TREAT US. AND THAT I  
23 NEEDED TO FIND ANOTHER PEDIATRICIAN TO HELP US.

24 Q DID SHE SHARE WITH YOU AT ALL -- WELL, LET ME  
25 ASK YOU: WHEN YOU GOT THIS LETTER IN THE MAIL, DID YOU  
26 GET AHOLD OF DR. YIM AND TALK TO HER ABOUT THAT  
27 DECISION?

28 A I TRIED.



1 Q DID SHE SHARE WITH YOU ANYTHING ABOUT WHY IT  
2 WAS SHE WAS WITHDRAWING?

3 A YES.

4 Q CAN YOU SHARE THAT WITH US?

5 A I ASKED HER TO PLEASE STAY WITH US. AND SHE  
6 TOLD ME THAT THE CONFLICT OF THE CUSTODY BATTLE WAS TOO  
7 MUCH FOR HER PRACTICE.

8 AND THAT IT WAS JUST TAKING WAY TOO MUCH  
9 ENERGY OF HAVING TO TALK TO DAD, TALK TO ME, AND TRY TO  
10 BE KIND OF LIKE IN THE MIDDLE OF THE BOTH OF US, AND  
11 SHE AND HER PARTNER JUST DIDN'T WANT TO DO IT.

12 Q AND PART OF THE REASON -- WELL, LET ME ASK YOU  
13 THIS WAY: DID SHE EVER SHARE WITH YOU ANY OF THE  
14 COMPLAINTS THAT MR. MILLS HAD?

15 A YES.

16 Q LIKE WHAT?

17 MS. SWISS: OBJECTION: HEARSAY.

18 THE COURT: SUSTAINED.

19 BY MR. MCMILLAN:

20 Q GO BACK TO THAT FAMILY LAW PROCEEDING FOR A  
21 MOMENT. AS I RECALL, YOU TESTIFIED THAT BEFORE JUNE,  
22 YOU GOT THIS BATTLE GOING ON WITH MR. MILLS OVER IN THE  
23 FAMILY COURT.

24 DO YOU RECALL THAT?

25 A YES.

26 Q AND IN THAT BATTLE THAT'S GOING ON, IS ONE OF  
27 THE ISSUES THERE THAT MR. MILLS IS CONCERNED THAT  
28 YOU'RE TAKING THE BABY TO SEE THE DOCTOR TOO MUCH?

1 MS. SWISS: OBJECTION: LEADING, RELEVANCE.

2 THE COURT: SUSTAINED AS TO LEADING.

3 BY MR. MCMILLAN:

4 Q IF YOU COULD EXPLAIN TO US, OVER IN THE  
5 CUSTODY, FAMILY LAW COURT, WHAT WAS -- JUST WITH  
6 RESPECT TO THE MEDICAL ISSUES -- WHAT WAS GOING ON OVER  
7 THERE WITH MR. MILLS?

8 A HE WAS TELLING THE FAMILY COURT THAT I WAS  
9 TAKING THE BABY TO UNDISCLOSED AND EXCESSIVE  
10 APPOINTMENTS.

11 Q WERE YOU TAKING THE BABY TO ANY PEDIATRICIAN  
12 AT THAT POINT IN TIME, OTHER THAN DR. YIM?

13 A NO.

14 Q AND AT THAT POINT IN TIME -- WELL, WHEN WAS IT  
15 THAT HE WAS MAKING THESE ALLEGATIONS OVER IN FAMILY  
16 COURT?

17 A FROM LATE MARCH TO JUNE.

18 Q LATE MARCH. LET'S GO BACK IN TIME A LITTLE  
19 BIT. THE BABY'S BORN AUGUST, AUGUST 2ND.

20 A YES.

21 Q WAS MR. MILLS THERE?

22 A NO.

23 Q YOU GET HOME, YOU GO THROUGH THESE FEEDING  
24 ISSUES WITH THE BABY, AND, YOU KNOW, EVENTUALLY HE  
25 STARTS GETTING BETTER WITHIN A COUPLE WEEKS.

26 DID MR. MILLS START COMING AROUND?

27 MS. SWISS: OBJECTION: RELEVANCE.

28 THE COURT: SUSTAINED.

1 BY MR. MCMILLAN:

2 Q BEFORE MARCH, WHEN WAS THE FIRST TIME THAT  
3 MR. MILLS CAME AND TRIED TO HELP YOU OUT?

4 MS. SWISS: OBJECTION: RELEVANCE.

5 THE COURT: SUSTAINED.

6 BY MR. MCMILLAN:

7 Q YOU KNOW, THOUGH, THAT BY MARCH, AND THIS  
8 IS 2009, MR. MILLS IS OVER IN THE FAMILY COURT  
9 COMPLAINING THAT YOU'RE GOING TO THE DOCTOR TOO MUCH  
10 WITH THE BABY. RIGHT?

11 A YES.

12 Q WHEN THAT ALLEGATION CAME OUT, DID YOU GO AND  
13 TALK TO DR. YIM ABOUT IT?

14 A YES.

15 Q WHAT DID YOU LEARN?

16 A SHE HAD TOLD ME THAT HE HAD BEEN CALLING HER  
17 AND TELLING HER THAT HE DIDN'T UNDERSTAND WHY THE BABY  
18 NEEDED TO SEE HER EVERY TWO WEEKS FOR WEIGHT CHECK-UPS.

19 Q DID SHE SHARE WITH YOU AT ALL WHAT -- HOW THAT  
20 CONVERSATION WENT AND FINISHED?

21 A YES.

22 MS. SWISS: OBJECTION: HEARSAY.

23 THE COURT: OVERRULED. THE QUESTION CALLED  
24 FOR A YES OR NO ANSWER. SHE'S ANSWERED IT.

25 BY MR. MCMILLAN:

26 Q WHAT DID YOU LEARN?

27 A THAT SHE --

28 MS. SWISS: OBJECTION: HEARSAY.

1 THE COURT: OVERRULED. GO AHEAD.

2 THE WITNESS: THAT SHE HAD ALREADY SPOKEN TO  
3 HIM. SHE HAD LET HIM KNOW THAT THE BABY DOES NEED THIS  
4 CHECK-UPS BECAUSE OF WEIGHT ISSUES.

5 BY MR. MCMILLAN:

6 Q WAS THAT BEFORE OR AFTER MR. MILLS WAS OVER IN  
7 THE FAMILY COURT COMPLAINING THAT YOU WERE GOING TO  
8 THE -- TAKING THE BABY TO SEE THE DOCTOR TOO MUCH, IF  
9 YOU KNOW?

10 MS. SWISS: OBJECTION: RELEVANCE.

11 THE COURT: SUSTAINED.

12 BY MR. MCMILLAN:

13 Q IN MARCHING FORWARD NOW TO JUNE, END OF  
14 JUNE, 2009, DR. YIM DOES WITHDRAW FROM YOUR PRACTICE.  
15 I THINK YOU TOLD US THAT YOU REQUESTED THAT SHE NOT DO  
16 THAT?

17 A (NO AUDIBLE RESPONSE.)

18 Q BUT SHE DID?

19 A (NO AUDIBLE RESPONSE.)

20 Q NOW THE BABY HAS NO PEDIATRICIAN. IS THAT  
21 RIGHT?

22 A CORRECT.

23 Q OKAY. WHAT HAPPENS FROM THERE? DO YOU GET  
24 ANOTHER DOCTOR?

25 A YES.

26 Q WERE YOU ABLE TO GET ANOTHER DOCTOR  
27 IMMEDIATELY?

28 A NO.

1 Q DID YOU TRY?

2 A YES.

3 Q WHY WEREN'T YOU ABLE TO GET ANOTHER DOCTOR?

4 A IN JUNE, WE HAD AN ORDER FROM THE FAMILY COURT  
5 SAYING THAT I CANNOT TAKE THE BABY TO THE DOCTOR  
6 WITHOUT RYAN MILLS'S CONSENT.

7 Q AND YOU FOLLOWED THAT ORDER?

8 A I DID.

9 Q SO TELL US HOW -- WHAT DID YOU DO, IF  
10 ANYTHING, TO TRY TO GET CONSENT FROM MR. MILLS TO GET A  
11 DOCTOR FOR THIS BABY?

12 A I WOULD SEND HIM EMAILS WITH THE NAME OF THE  
13 DOCTORS, THEIR ADDRESS, THEIR PHONE NUMBERS. I WOULD  
14 TRY TO FOLLOW UP BECAUSE SOMETIMES I WOULDN'T HEAR.  
15 AND I WOULD TRY TO FOLLOW UP AND SAY, HEY, LOOK, WE  
16 NEED TO GET THIS DONE.

17 Q HOW DID THAT GO?

18 A NOT GOOD.

19 Q DID HE AGREE?

20 A NO.

21 Q WELL, LET ME ASK YOU: WE'RE IN JUNE. WE LOSE  
22 DR. YIM. NOW WE'RE IN JULY. HOW MANY TIMES DID YOU  
23 ASK MR. MILLS FOR SOME SORT OF PERMISSION TO GO TAKE  
24 THE BABY TO A DOCTOR?

25 A AT LEAST THREE TIMES.

26 Q AND WHAT HAPPENED WITH EACH OF THOSE THREE  
27 TIMES?

28 A I WAS GIVEN EXCUSES WHY THE DOCTORS WERE NOT

1 GOOD ENOUGH, OR WHY HE WOULDN'T CONSENT BECAUSE OF  
2 GEOGRAPHICAL LOCATIONS. THERE WAS SOMETHING -- THERE  
3 WAS ALWAYS SOMETHING.

4 Q OKAY. SO WE GO FROM JULY, NOW WE'RE IN  
5 AUGUST. ANY LUCK IN AUGUST?

6 A YES.

7 Q TELL US ABOUT HOW THAT CAME ABOUT?

8 A I -- I THREATENED HIM TO GO EX PARTE IF BABY  
9 RYAN DIDN'T HAVE HIS FIRST-YEAR CHECK-UP WITH A DOCTOR.

10 Q AND WHEN YOU SAY EX PARTE, WHAT ARE WE TALKING  
11 ABOUT THERE?

12 A EMERGENCY HEARING.

13 Q WITH THE COURT?

14 A YES.

15 Q AT THAT POINT IN TIME, DID YOU HAVE AN  
16 ATTORNEY?

17 A YES.

18 Q DID YOU END UP HAVING TO GO INTO COURT ON AN  
19 EMERGENCY BASIS TO GET AN ORDER TO TAKE THE BABY TO SEE  
20 HIS -- A DOCTOR FOR HIS FIRST-YEAR CHECK-UP?

21 A NO.

22 Q MR. MILLS FINALLY AGREED?

23 A YES.

24 Q WHO WAS THAT DOCTOR?

25 A DR. LAUREN FEDDER.

26 Q SO YOU SET AN APPOINTMENT?

27 A YES.

28 Q AND YOU TOOK THE BABY TO THE APPOINTMENT?

1 A YES.

2 Q TELL US ABOUT THE APPOINTMENT.

3 A SHE -- WE WENT TO THE APPOINTMENT. SHE  
4 CHECKED THE BABY. DID A DEVELOPMENTAL ASSESSMENT. SHE  
5 WEIGHED THE BABY. AND SHE GAVE ME A -- RECOMMENDATIONS  
6 TO FOLLOW.

7 Q DID YOU FOLLOW HER RECOMMENDATIONS?

8 A YES.

9 Q WHAT WERE SOME OF HER RECOMMENDATIONS?

10 A THE MAIN RECOMMENDATION WAS TO GET HIM TO THE  
11 REGIONAL CENTER FOR A DEVELOPMENTAL EVALUATION.

12 Q DID YOU DO THAT?

13 A I DID.

14 Q SHARE WITH US, WHICH REGIONAL CENTER WAS THAT?

15 A EAST LOS ANGELES REGIONAL CENTER.

16 Q SO YOU GOT AN APPOINTMENT WITH THE EASTERN LOS  
17 ANGELES REGIONAL CENTER.

18 DID YOU TAKE THE BABY IN FOR AN EVALUATION?

19 A I DID.

20 Q SHARE WITH US A LITTLE BIT ABOUT HOW THAT  
21 WENT, THAT EVALUATION?

22 A SURE. I MET THE THERAPIST WHO WAS GOING TO DO  
23 THE ASSESSMENT. HER NAME WAS ANGELA ESPINOZA. AND SHE  
24 DID THE EVALUATION AND TOLD ME WHAT HER FINDINGS WERE.

25 Q SHARE WITH US. WHAT WERE HER FINDINGS?

26 A THE BABY WAS DEVELOPMENTALLY DELAYED, TO A  
27 SIX-MONTH LEVEL. HE HAD A SENSORY INTEGRATION  
28 DISORDER. SHE HAD GIVEN ME SOME RECOMMENDATIONS TO

1 DEAL WITH WHAT HER FINDINGS WERE.

2 Q WHAT WERE SOME OF HER RECOMMENDATIONS?

3 A OT AND PT. OCCUPATIONAL THERAPIST AND  
4 OCCUPATIONAL -- SORRY. OCCUPATIONAL AND PHYSICAL  
5 THERAPY. AND A NUTRITIONIST CONSULT.

6 Q DID YOU FOLLOW HER RECOMMENDATIONS?

7 A YES.

8 Q DID YOU GO AHEAD AND SET UP AN APPOINTMENT FOR  
9 OCCUPATIONAL THERAPY AND PHYSICAL THERAPY?

10 A THE OCCUPATIONAL THERAPY AND THE PHYSICAL  
11 THERAPY, THE REGIONAL CENTER WAS GOING TO TAKE CARE OF  
12 THAT FOLLOWING THE ASSESSMENT.

13 WHAT I NEEDED TO DO WAS TO TAKE HIM WHENEVER I  
14 WAS GIVEN A DATE. AND THEN I NEEDED TO FIND A  
15 NUTRITIONIST TO HELP US WITH THE NUTRITION PORTION OF  
16 IT.

17 Q AND DID YOU DO THAT?

18 A I DID.

19 Q BEFORE WE GET ON TO THAT, I WANT TO, IF YOU  
20 COULD, TURN TO EXHIBIT NUMBER 608. AND THAT'S A  
21 PHOTOGRAPH OF, LOOKS LIKE YOU, YOUR MOM, PERHAPS A  
22 FRIEND, AND HER BABY, AND THEN BABY RYAN.

23 A YEAH.

24 Q ABOUT HOW OLD IS HE IN THAT PICTURE?

25 A I DON'T REMEMBER HOW OLD HE WAS EXACTLY. BUT  
26 IT WAS RIGHT BEFORE HIS FIRST-YEAR BIRTHDAY PARTY.

27 Q SO WOULD HAVE BEEN SOMETIME IN JULY OF --

28 A JUNE, JULY. THEY HAD BROUGHT HIM GIFTS. THEY



1 COULDN'T ATTEND THE PARTY.

2 Q AND THAT'S 2009?

3 A YES.

4 Q OKAY. GOING BACK TO THE NUTRITION CONSULT,  
5 THE EVALUATOR AT -- THAT WAS ANGELA ESPINOZA, IS THAT  
6 RIGHT, THE EVALUATOR AT EASTERN LOS ANGELES REGIONAL  
7 CENTER?

8 A YES.

9 Q DID SHE GIVE YOU A COPY OF HER REPORT AFTER  
10 SHE HAD DONE HER EVALUATION AND ASSESSMENT?

11 A SHE DID.

12 Q AND YOU KEPT THAT?

13 A YES.

14 Q SO GOING FORWARD NOW, WE TALKED ABOUT  
15 FOLLOWING HER RECOMMENDATIONS, AND IN PARTICULAR,  
16 SEEKING OUT A NUTRITIONIST?

17 A YES.

18 Q YOU DID THAT?

19 A I DID.

20 Q CAN YOU TELL US A LITTLE BIT ABOUT THAT?

21 A YES. I HAD MADE SEVERAL APPOINTMENTS FOR A  
22 NUTRITIONAL CONSULT. AND I WAS GETTING THE SAME  
23 PROBLEM AS BEFORE AS WITH THE PEDIATRICIAN.

24 Q HOLD ON A SECOND. WHAT DO YOU MEAN, THE SAME  
25 PROBLEM?

26 A RYAN MILLS WOULDN'T CONSENT TO THE NUTRITIONAL  
27 CONSULT.

28 Q HOW MANY DIFFERENT NUTRITIONISTS DID YOU RUN

1 THROUGH BEFORE YOU FINALLY GOT ONE?

2 MS. SWISS: OBJECTION: RELEVANCE.

3 THE COURT: SUSTAINED.

4 BY MR. MCMILLAN:

5 Q WELL, ULTIMATELY, WE KNOW THAT YOU DID FIND A  
6 NUTRITIONIST?

7 A YES.

8 Q WHO WAS THAT?

9 A WENDY CRUMP.

10 Q YOU SET AN APPOINTMENT WITH HER?

11 A I DID.

12 Q YOU WENT TO THE APPOINTMENT?

13 A YES.

14 Q TELL US ABOUT THAT APPOINTMENT.

15 A MY PARENTS AND I GO TO SEE MS. CRUMP. AND WE  
16 GO IN AND THERE'S NO ONE UP FRONT, BUT I HEAR VOICES IN  
17 THE BACK, SO I JUST WALK TOWARDS THE BACK.

18 AND WHEN I GO INTO THE ROOM, MS. CRUMP IS  
19 BEHIND A DESK, AND THEN IT'S RYAN MILLS AND CARMEN, HIS  
20 FIANCÉE AT THAT TIME.

21 Q SO AS YOU WALK INTO THE ROOM AND YOU SEE  
22 RYAN MILLS AND CARMEN MILLS, MS. CRUMP WAS BEHIND HER  
23 DESK?

24 A YES.

25 Q WHEN YOU WALK INTO THE ROOM, DID THEY KEEP  
26 TALKING FOR A BIT?

27 A NO. THEY STOPPED THEIR CONVERSATION, AND I  
28 JUST WENT IN AND INTRODUCED MYSELF.

1 Q YOU INTRODUCE YOURSELF TO MS. CRUMP?

2 A YES.

3 Q WHAT HAPPENS FROM THERE?

4 A I GIVE HER A HISTORY OF THE BABY FROM BIRTH  
5 TIL THEN. I -- SHE HAD A FEW QUESTIONS FOR ME. AND  
6 BASICALLY I WAS TELLING HER ABOUT THE CHALLENGES I WAS  
7 HAVING WITH THE BABY NOT WANTING TO EAT OR EATING TOO  
8 LITTLE OR SOME DAYS JUST STRIKING ALTOGETHER.

9 Q BY THAT POINT IN TIME, WE DIDN'T TALK MUCH  
10 ABOUT THIS, BUT BY THAT POINT THIS TIME, DID YOU HAVE  
11 SOME EXPERIENCES WHERE YOU HAD TROUBLE GETTING THE BABY  
12 TO EAT?

13 A YES.

14 Q AND WAS THAT SOMETHING THAT WAS NOT  
15 NECESSARILY CONSISTENT BUT SOMETHING THAT HAPPENED  
16 FAIRLY FREQUENTLY?

17 MS. SWISS: OBJECTION: LEADING.

18 THE COURT: SUSTAINED.

19 BY MR. MCMILLAN:

20 Q HOW FREQUENTLY DID THAT HAPPEN?

21 A IT DEPENDS. SOME DAYS HE WILL EAT WELL.  
22 OTHER DAYS, HE JUST WOULDN'T EAT. IT DIDN'T MATTER  
23 WHAT YOU PUT IN FRONT OF HIM. HE WILL NOT EAT OR HE  
24 WILL JUST EAT VERY VERY LITTLE. NOT ENOUGH.

25 Q AND WHEN YOU SAY SOME DAYS HE WOULD EAT, AND  
26 OTHER DAYS HE WOULDN'T, WHAT SORTS OF FOODS WERE YOU  
27 TRYING TO FEED HIM?

28 A THERE WAS A VARIETY OF FOODS. I TRIED TO

1 INTRODUCE DIFFERENT TYPES OF FOODS AND DIFFERENT --  
2 LIKE ETHNIC FOODS, JUST TO GET HIS TASTE BUDS KIND OF  
3 USED TO DIFFERENT THINGS.

4 SOME THINGS HE WOULD EAT A LOT OF, LIKE HE  
5 LIKED, LIKE RICE AND LENTILS AND BEANS, AND AVOCADO IS  
6 HIS FAVORITE. SOME OTHER THINGS IS -- IT WAS A  
7 CHALLENGE.

8 BECAUSE YOU PRESENTED IT TO HIM, HE WILL TURN  
9 HIS FACE. AND WE WILL DO ALL THESE LITTLE GAMES TO  
10 KIND OF DISTRACT HIM. SOMETIMES THOSE WORKED.  
11 SOMETIMES DIDN'T WORK.

12 Q DID YOU EVER DO THAT LITTLE AIRPLANE GAME?

13 A YEAH. WE WILL SING, WE WILL DO THE AIRPLANE.  
14 WE WILL ENCOURAGE FOR HIM TO TOUCH THE FOOD SO HE CAN  
15 GET USED TO IT AND SEE THAT IT'S OKAY. AND HE CAN PUT  
16 IT IN HIS MOUTH HIMSELF.

17 Q WHEN DID YOU FIRST START TRYING TO FEED HIM  
18 THE FOODS OTHER THAN BREAST MILK?

19 A SEVEN-AND-A-HALF MONTHS.

20 Q AND WAS THERE A REASON FOR THAT?

21 A YES.

22 Q CAN YOU SHARE THAT WITH US?

23 A THAT WEEK DR. YIM HAD ASKED ME TO GO AHEAD AND  
24 START SOLIDS, SO I DID.

25 Q BUT UP UNTIL THAT POINT, HE WAS STILL PRETTY  
26 MUCH EATING -- OR I GUESS, DRINKING BREAST MILK?

27 A YES.

28 Q WHEN YOU'RE AT THE HOSPITAL, BACK WHEN HE WAS

1 BORN, DO THEY GIVE YOU ANY INFORMATION OR BOOKLETS,  
2 PAMPHLETS, THOSE SORTS OF THINGS ABOUT, YOU KNOW, AT  
3 WHAT POINT IN LIFE WERE -- YEAH, WHAT POINT IN LIFE YOU  
4 SHOULD START INTRODUCING SOLID FOODS?

5 A YES. I WAS SENT HOME WITH THIS BOX. IT'S  
6 A -- THIS BOX WITH A LOT OF LITERATURE, KIND OF LIKE A  
7 GUIDE FOR PARENTS. IT'S KIND OF KNOWING HOW TO TAKE  
8 CARE OF YOUR BABY. SO I READ THROUGH IT. AND I FOLLOW  
9 WHATEVER WORKED FOR US AND...

10 Q AND LET ME ASK YOU: IN THAT BOOK THAT THE  
11 HOSPITAL SENT HOME WITH YOU, DO THEY INSTRUCT YOU THAT  
12 YOUR BABY'S FIRST SOLID FOOD SHOULD BE HAPPENING  
13 SOMETIME IN THE SIX- TO EIGHT-MONTH RANGE?

14 MS. SWISS: OBJECTION: LEADING.

15 THE COURT: SUSTAINED.

16 BY MR. MCMILLAN:

17 Q LET ME ASK IT THIS WAY. THE HOSPITAL GAVE YOU  
18 A BOOK OR A PAMPHLET. RIGHT?

19 A YES.

20 Q DID YOU READ IT?

21 A YES.

22 Q MORE THAN ONCE?

23 A YES.

24 Q IN FACT, YOU STUDIED IT?

25 A YES.

26 Q WHAT DO YOU RECALL, IF YOU RECALL, THE BOOKLET  
27 FROM THE HOSPITAL TELLING YOU THE RECOMMENDATIONS FOR  
28 WHEN YOU SHOULD START INTRODUCING SOLID FOODS?

1           A       IT KIND OF GIVES YOU A RANGE BETWEEN SIX TO  
2 EIGHT MONTHS.

3           Q       AND THEN DO THEY EXPLAIN IN THEIR -- UNDER  
4 THAT RANGE, DO THEY EXPLAIN TO YOU WHY IT IS THAT WE'RE  
5 LOOKING AT THAT SIX- TO EIGHT-MONTH RANGE?

6           A       YES.

7           Q       WHAT WAS YOUR UNDERSTANDING, AFTER HAVING READ  
8 THIS BOOK SEVERAL TIMES, WHAT WAS YOUR UNDERSTANDING AS  
9 TO WHY IT WAS THAT WE'RE LOOKING AT THAT BROAD OF A  
10 RANGE?

11          A       YOU WANT TO MAKE SURE THAT THE BABY IS READY  
12 FOR SOLID FOODS. AND THERE ARE SOME PARAMETERS THAT  
13 YOU CAN JUDGE IF YOUR BABY IS READY OR IF HE'S NOT.  
14 AND I WENT BY THOSE GUIDELINES.

15          Q       AND GOING BACK FOR A MOMENT TO  
16 MS. BAGDAZARIAN, HOW LONG DID SHE REMAIN A PART OF YOUR  
17 SUPPORT TEAM WITH THIS BABY?

18          A       UNTIL AUGUST OR SEPTEMBER OF 2009.

19          Q       SO BACK IN -- SEVEN-AND-A-HALF MONTHS, WHAT  
20 MONTH WOULD THAT HAVE BEEN?

21          A       MARCH.

22          Q       MARCH. OKAY. BACK IN MARCH 2009, YOU WERE  
23 STILL WORKING WITH MS. BAGDAZARIAN?

24          A       YES.

25          Q       DID YOU TALK TO HER AT ALL ABOUT WHEN IT WAS  
26 THAT -- OR WHETHER THE BABY WAS READY TO, YOU KNOW, TO  
27 START TRYING OUT SOLID FOODS?

28          A       YES.

1 Q CAN YOU SHARE WITH US A LITTLE BIT ABOUT THAT  
2 CONVERSATION?

3 MS. SWISS: OBJECTION: HEARSAY, RELEVANCE.

4 THE COURT: OVERRULED. GO AHEAD.

5 THE WITNESS: THERE WERE SEVERAL CONVERSATIONS  
6 WE HAD IN FEBRUARY, MARCH, AND APRIL, REGARDING THE  
7 ISSUE. SHE HAD GIVEN ME RECOMMENDATIONS AT THE TIME,  
8 OF HOW TO ASSESS IF THE BABY WAS READY OR NOT. SO I  
9 FOLLOWED THEM.  
10 BY MR. MCMILLAN:

11 Q OKAY. IS THE SAME TRUE OF DR. YIM? WERE YOU  
12 HAVING SIMILAR CONVERSATIONS WITH HER ABOUT PERHAPS  
13 WHEN THE BABY WOULD BE READY OR MAYBE ISN'T READY TO  
14 START SOLID FOODS?

15 A YES.

16 Q SHARE WITH US JUST A LITTLE BIT ABOUT THOSE  
17 CONVERSATIONS.

18 A YES. SO AT SIX MONTHS WHEN I WENT TO OUR  
19 SIX-MONTH WELLNESS CHECK-UP, DR. YIM GAVE ME  
20 INFORMATION ON SOLID FOODS AND HOW TO ASSESS READINESS.  
21 AND ALSO WHAT KIND OF FOODS, IF I CHOOSE START THEN,  
22 WHAT KIND OF FOODS I SHOULD START WITH.

23 AT THE TIME, I HAD SHARED SOME CONCERNS WITH  
24 HER, BECAUSE HE WAS FAILING SOME MILESTONES, LIKE NOT  
25 SITTING UP, YOU KNOW, ON HIS OWN, AND ALL THIS STUFF.

26 AND I SHARED THE CONCERN BASED ON THIS  
27 GUIDELINES, THAT YOU NEED TO HAVE YOUR BABY SIT UP  
28 STRAIGHT WHEN YOU'RE FEEDING HIM, TO JUST WAIT A LITTLE

1 BIT. MAYBE THE FOLLOWING MONTH, OR TWO MONTHS TO  
2 START. AND SHE WAS OKAY WITH THAT.

3 Q BUT AT SOME POINT IN TIME, SHE ACTUALLY SAID  
4 LOOK, WE NEED TO START FEEDING HIM SOLID FOODS?

5 A YES.

6 Q AND YOU FOLLOWED THAT INSTRUCTION?

7 A I DID.

8 Q AND THAT WAS AT THE -- ABOUT SEVEN-AND-A-HALF  
9 MONTHS, I THINK YOU SAID?

10 A YES.

11 Q IF YOU WOULD, I DON'T KNOW IF YOU HAVE A COPY  
12 OF IT UP THERE OR NOT. DO YOU HAVE EXHIBIT  
13 NUMBER 789.1?

14 A I DON'T HAVE IT IN FRONT OF ME.

15 THE COURT: SHE DOESN'T. HERE. I HAVE IT.  
16 YOU CAN USE THIS ONE.

17 MR. MCMILLAN: THANK YOU, YOUR HONOR.

18 BY MR. MCMILLAN:

19 Q I'VE ONLY GOT TWO PAGES OF IT THERE IN FRONT  
20 OF YOU, BUT IF YOU CAN TAKE A LOOK AT 789.1 AND 789.2.  
21 LET ME KNOW WHEN YOU'RE DONE.

22 A OKAY.

23 Q CAN YOU IDENTIFY FOR US WHAT THAT IS A COPY  
24 OF?

25 A IT'S THE FIRST PAGE OF THE FIRST FIVE  
26 CALIFORNIA BOOKLET. I RECEIVED IT FROM THE HOSPITAL.  
27 AND THE SECOND PAGE IS THE BEGINNING OF THE TOPIC ON  
28 STARTING SOLID FOODS.



1 Q AND THOSE TWO PAGES THERE THAT YOU HAVE IN  
2 FRONT OF YOU, I RECOGNIZE IT'S NOT THE ENTIRE BOOK, BUT  
3 AT LEAST AS TO THOSE TWO PAGES, IS THAT A TRUE AND  
4 ACCURATE COPY AND DEPICTION OF THE BOOKLET YOU WERE  
5 GIVEN BY THE HOSPITAL WHEN YOUR CHILD WAS BORN?

6 A YES.

7 Q AND YOU KEPT THAT BOOKLET?

8 A YES.

9 Q AND YOU KEPT SOME OTHER THINGS?

10 A YES.

11 Q HOSPITAL GAVE YOU A LITTLE BOX. RIGHT?

12 A YES.

13 Q WHAT WERE SOME OF THE THINGS THAT WERE IN THAT  
14 BOX?

15 A PAMPHLETS ABOUT VACCINATION. THERE WERE TWO  
16 LITTLE BOTTLE OF FORMULA TO FEED THE BABY, WHICH I  
17 TRIED ON THE FIRST DAY. OTHER READING MATERIALS ABOUT  
18 HOW TO CARE FOR THE BABY, SCHOOL, HOW TO PICK A SCHOOL,  
19 PEDIATRICIAN, ALL THAT STUFF.

20 Q SO THEY WERE GIVING YOU SOME SORT OF, NOT LIKE  
21 AN OWNER'S MANUAL, BUT LIKE SOME --

22 A GUIDE.

23 Q SOME GUIDANCE?

24 A YES.

25 Q DID YOU READ ALL THAT MATERIAL?

26 A I LIKE TO READ. YES.

27 Q MORE THAN ONCE?

28 A YES.

1 Q DID YOU FOLLOW THE ADVICE AND RECOMMENDATIONS  
2 THAT THE HOSPITAL GAVE YOU IN THAT MATERIAL?

3 A YES.

4 Q SO GOING FORWARD NOW, BACK TO THIS  
5 CONVERSATION WITH WENDY CRUMP. I THINK YOU ALREADY  
6 TOLD US THAT YOU GAVE A HISTORY. RIGHT?

7 A YES.

8 Q AT SOME POINT IN THE CONVERSATION THERE THAT  
9 DAY WITH MS. CRUMP, DID THE CONVERSATION ADDRESS THE  
10 ISSUE OF FEEDING?

11 A YES.

12 Q SHARE WITH US ABOUT THAT PART OF THE  
13 CONVERSATION. HOW DID THAT GO?

14 A SHE HAD ASKED ME TO TELL HER ABOUT HIS  
15 FEEDINGS. I WAS TELLING HER THE KINDS OF FOODS THAT I  
16 STARTED, YOU KNOW, CEREAL, TWO DIFFERENT TYPES OF  
17 CEREAL WITH BREAST MILK.

18 AND RIGHT AS I'M EXPLAINING, RYAN MILLS JUMPS  
19 AND TELLS HER THAT I'M NOT FEEDING THE BABY. AND WE  
20 ARGUE BACK AND FORTH AND HE'S ACCUSING ME OF NOT  
21 FEEDING MY BABY.

22 I DEFEND MYSELF, AND WE'RE ARGUING IN FRONT OF  
23 HER.

24 Q HOW LONG DOES THAT GO ON?

25 A OH, FOUR MINUTES, FIVE MINUTES. SOMETHING  
26 LIKE -- SEVERAL MINUTES GOING BACK AND FORTH.

27 Q AT SOME POINT -- WELL, LET ME ASK YOU THIS:  
28 AT SOME POINT DOES THE ARGUMENT STOP?

1           A     SHE STOPS IT.

2           Q     MS. CRUMP STOPS IT?

3           A     YES.

4           Q     HOW DID THAT GO?

5           A     SHE INTERRUPTED AND SHE SAYS THAT WE NEEDED TO  
6     STOP ARGUING ABOUT, YOU KNOW, CUSTODY, AND THAT WE  
7     NEEDED TO FOCUS ON THE BABY, FINDING A PEDIATRICIAN AND  
8     WORKING ON HIS WEIGHT.

9           Q     WELL, I THOUGHT, CORRECT ME IF I'M WRONG, BUT  
10    I THOUGHT BACK IN AUGUST, YOU FOUND DR. FEDDER?

11          A     YES. BUT THE FATHER HAD ONLY CONSENTED TO ONE  
12    APPOINTMENT WITH DR. FEDDER. HE WOULDN'T CONSENT TO  
13    HER BECOMING RYAN'S PEDIATRICIAN.

14          Q     WHY NOT?

15                MS. SWISS: OBJECTION: CALLS FOR SPECULATION.

16                MR. MCMILLAN: IF YOU KNOW.

17                THE COURT: SUSTAINED AS IT WAS ASKED.

18                MR. MCMILLAN: THANK YOU, YOUR HONOR.

19    BY MR. MCMILLAN:

20          Q     IF YOU KNOW, WHY NOT?

21          A     HE HAD TOLD ME THAT DR. FEDDER WAS THE KIND OF  
22    DOCTOR THAT I LIKED TO PICK. AND I GUESS BECAUSE  
23    SHE -- IN HER PRACTICE, SHE HAS A HOLISTIC APPROACH AS  
24    WELL, TO TREATING HER PATIENTS, AND HE DIDN'T -- HE  
25    DIDN'T LIKE THAT, I GUESS.

26          Q     OKAY. SO HE DIDN'T LIKE HER HOLISTIC  
27    APPROACH. DID HE COME FORWARD AND OFFER A DIFFERENT  
28    PEDIATRICIAN?

1 MS. SWISS: OBJECTION: RELEVANCE.

2 THE COURT: SUSTAINED. MR. MCMILLAN, I THINK  
3 WE'LL TAKE THE MORNING RECESS AT THIS TIME AS WELL.  
4 APPROXIMATELY TEN MINUTES. ALL JURORS, PLEASE REMEMBER  
5 THE ADMONITION.

6 (JURY EXCUSED)

7 (PAUSE IN THE PROCEEDINGS)

8 (JURY PRESENT)

9 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN  
10 COURT IN THE PRESENCE OF THE JURY)

11 THE COURT: EVERYONE MAY BE SEATED. WE'RE  
12 BACK ON THE RECORD. EVERYONE IS PRESENT.  
13 MR. MCMILLAN, YOU MAY CONTINUE.

14 MR. MCMILLAN: THANK YOU, YOUR HONOR.  
15 BY MR. MCMILLAN:

16 Q MS. DUVAL, BEFORE THE BREAK, YOU WERE SHARING  
17 WITH US ABOUT THAT MEETING WITH MS. CRUMP, AND HOW IT  
18 SORT OF DEVOLVED INTO A LITTLE BIT OF AN ARGUMENT  
19 BETWEEN YOU AND MR. MILLS, AND MS. CRUMP STOPPED THE  
20 ARGUMENT.

21 DO YOU REMEMBER THAT TESTIMONY?

22 A YES.

23 Q MS. CRUMP, WHEN SHE INTERRUPTED THE TWO OF  
24 YOU, DID SHE ASK YOU GUYS TO DO SOMETHING?

25 A YES.

26 Q SHARE WITH US. WHAT DID SHE ASK YOU TO DO?

27 A TO STOP ARGUING ABOUT CUSTODIAL ISSUES AND  
28 FOCUS ON THE BABY'S DEVELOPMENTAL NEEDS AND FINDING A

1 PEDIATRICIAN.

2 Q DID SHE ASK YOU TO DO ANYTHING ELSE?

3 A AT THE END OF THE VISIT, SHE GAVE SOME  
4 RECOMMENDATIONS OF FOOD THAT WE SHOULD TRY TO FEED THE  
5 BABY, AS WELL AS FINDING A PEDIATRICIAN SO THAT SHE CAN  
6 HELP US. AND SHE ASKED US TO WRITE A FOOD LOG.

7 Q A FOOD LOG?

8 A YES.

9 Q DID SHE EXPLAIN TO YOU WHAT THIS FOOD LOG WAS?  
10 WHAT IT IS?

11 A YES. SHE WANTED TO KNOW HOW MUCH THE BABY WAS  
12 TAKING IN AND WHAT KIND OF FOODS WE WERE OFFERING.

13 Q DID SHE EXPLAIN TO YOU AT ALL THE PURPOSE THAT  
14 SHE WANTED THIS FOOD LOG FOR?

15 A MY UNDERSTANDING WAS SO THAT SHE CAN ASSESS  
16 HOW MUCH WAS THE INTAKE OF THE FOOD THE BABY WAS  
17 GETTING IN RELATION TO HIS WEIGHT AND HE'S DOING -- IS  
18 HE GAINING, NOT GAINING.

19 Q AND AFTER THAT MEETING, YOU HAVE TWO  
20 RECOMMENDATIONS. ONE IS THE PEDIATRICIAN, THE OTHER IS  
21 THE FOOD LOG.

22 DOES SHE SET ANY FURTHER APPOINTMENTS?

23 A YES.

24 Q TELL US ABOUT THAT.

25 A SHE WANTED US TO COME BACK IN A FEW WEEKS.

26 Q I'M SORRY?

27 A SHE WANTED US TO COME BACK IN A FEW WEEKS.

28 SORRY.

1 Q ALL RIGHT. SO YOU FINISH UP WITH THAT  
2 APPOINTMENT, AND YOU GO HOME AFTER THAT APPOINTMENT?

3 A YES.

4 Q DO YOU START LOOKING FOR A PEDIATRICIAN -- A  
5 REGULAR PEDIATRICIAN FOR THE CHILD?

6 A YES.

7 Q SHARE WITH US JUST A LITTLE BIT ABOUT THAT  
8 PROCESS.

9 A I HAD THIS LIST FROM MY BIRTHING CLASSES.  
10 LISTS OF PEDIATRICIANS IN -- AROUND MY AREA, SOUTH  
11 PASADENA, ARCADIA, AND GLENDALE. SO I WILL PICK MY  
12 PEDIATRICIANS FROM THAT LIST.

13 Q OKAY. AND YOU STARTED PUTTING TOGETHER A  
14 POTENTIAL LIST?

15 A YES.

16 Q DID YOU OFFER THAT LIST TO MR. MILLS?

17 A I DID.

18 Q WERE YOU ABLE TO GET AN AGREEMENT?

19 A NO.

20 Q WHEN YOU WENT BACK HOME, DID YOU ALSO GO AHEAD  
21 AND START MAKING THAT FOOD LOG?

22 A YES.

23 Q TELL US A LITTLE BIT ABOUT THAT PROCESS.

24 A SO I PUT THIS CALENDAR IN OUR KITCHEN, WHICH  
25 IS OUR DINING ROOM AS WELL, SO THAT MY MOM CAN ALSO  
26 TELL ME WHAT SHE'S OFFERING DURING THE DIFFERENT  
27 FEEDINGS WHILE I'M AT WORK, AND HOW MUCH SHE EITHER  
28 OFFERED OR HE ATE.

1 Q SO CORRECT ME IF I'M WRONG. IT SOUNDS LIKE  
2 YOUR MOM WAS HELPING YOU TAKE CARE OF THE BABY WHEN YOU  
3 WERE AT WORK?

4 A YES.

5 Q AFTER YOU -- AFTER RYAN WAS BORN, DID YOU TAKE  
6 TIME OFF WORK?

7 A I DID.

8 Q ABOUT HOW LONG?

9 A THREE MONTHS, FIRST. I TOOK A LITTLE BIT  
10 BEFORE -- BEFORE BIRTH, TOO. AFTER, ABOUT THREE  
11 MONTHS, AND THEN I HAD A MODIFIED SCHEDULE FOR A FEW  
12 MONTHS.

13 Q OKAY. AND AFTER YOUR MODIFIED SCHEDULE  
14 FINISHED, DID YOU GO BACK TO WORK FULL-TIME?

15 A YES.

16 Q ROUGHLY, WHEN WAS THAT?

17 A JANUARY.

18 Q 2009?

19 A YES.

20 Q FROM JANUARY 2009 UNTIL OCTOBER 2010, WERE YOU  
21 WORKING FULL-TIME?

22 A I WAS WORKING FULL-TIME JANUARY THROUGH MARCH.  
23 AND THEN I WENT BACK TO A MODIFIED SCHEDULE.

24 Q WHY DID YOU GO BACK TO A MODIFIED SCHEDULE IN  
25 MARCH?

26 A BECAUSE DR. YIM ASKED ME TO MODIFY MY SCHEDULE  
27 AT WORK.

28 Q WHY WAS THAT?

1           A       AT THAT TIME, THE BABY HAD ALREADY HAD A FEW  
2 WEEKS HAVING SLEEPING STRIKES AND NURSING STRIKES. AND  
3 SHE THOUGHT IT WOULD BE BEST IF I WENT BACK AND MAKE  
4 SURE I FED ON DEMAND AND I ADDRESSED THE ISSUES WITH  
5 THE FEEDINGS.

6           Q       AND DID YOU FOLLOW THAT INSTRUCTION?

7           A       YES. SHE GAVE ME A LETTER. I TOOK IT TO MY  
8 EMPLOYER. AND I ASKED FOR THE ACCOMMODATION.

9           Q       DID YOUR EMPLOYER GIVE YOU THE ACCOMMODATION?

10          A       YES.

11          Q       SO THEN FROM MARCH 2009 -- I'LL JUST ASK: HOW  
12 LONG DID THAT MODIFIED WORK SCHEDULE LAST?

13          A       UNTIL OCTOBER OF 2010.

14          Q       SO ALL THE WAY TO THE POINT WE'RE HAVING THIS  
15 MEETING WITH WENDY CRUMP, YOU WERE STILL ON MODIFIED  
16 WORK SCHEDULE?

17          A       YES.

18          Q       AND WHEN YOU WERE AT WORK, EVEN ON YOUR  
19 MODIFIED WORK SCHEDULE, YOUR MOM WAS STILL THERE TO  
20 HELP TAKE CARE OF THE BABY WHEN YOU WEREN'T AROUND?

21          A       YES.

22          Q       OKAY. AFTER WENDY CRUMP, YOU TALKED TO US A  
23 LITTLE BIT ABOUT THE FOOD LOG. WERE YOU ABLE TO GET  
24 BACK TO THAT NEXT VISIT WITH WENDY CRUMP TO GO OVER  
25 THAT FOOD LOG AND SEE HOW THINGS WERE GOING?

26          A       I'M SORRY. I DON'T KNOW WHAT YOU MEAN.

27          Q       OKAY. WELL YOU TOLD US THAT SHE -- AT THIS  
28 APPOINTMENT WHERE SHE TOLD YOU TO STOP ARGUING, FIND A



1       REGULAR PEDIATRICIAN, CREATE FOOD LOGS AND COME BACK IN  
2       SEE ME IN A COUPLE WEEKS. WITH ME?

3           A       YES.

4           Q       AND YOU DID THAT?

5           A       I DID.

6           Q       BETWEEN THAT APPOINTMENT AND THE NEXT  
7       APPOINTMENT WITH MS. CRUMP, WERE YOU ABLE TO GIVE HER  
8       WHAT SHE NEEDED TO MAKE THAT APPOINTMENT AND TALK TO  
9       HER AGAIN?

10          A       I HAD SENT THE FOOD LOG VIA E-MAIL, I BELIEVE,  
11       AND SO WE WERE SUPPOSED TO DISCUSS IT ON THAT LATER  
12       MEETING.

13          Q       BUT SOMETHING HAPPENED BEFORE THAT LATER  
14       MEETING?

15          A       YES.

16          Q       SHARE WITH US WHAT HAPPENED.

17          A       THAT MONDAY, AFTER I SAW MS. CRUMP,  
18       OCTOBER 19TH, I CAME BACK FROM PICKING UP MY SON FROM  
19       HIS VISITATION WITH HIS DAD, AND I FOUND A LETTER FROM  
20       SUSAN PENDER ON MY DOORSTEP.

21          Q       YOU HAVE THIS LETTER FROM SUSAN PENDER ON YOUR  
22       DOORSTEP. WHAT DOES THE LETTER SAY?

23          A       THAT A REFERRAL HAS BEEN MADE, AND THAT SHE  
24       WANTED TO TALK TO ME ABOUT IT.

25          Q       SO WHAT DID YOU DO?

26          A       THE NEXT MORNING, I CALLED HER.

27          Q       OKAY. THE NEXT MORNING YOU CALLED HER, WERE  
28       YOU ABLE TO GET AHOLD OF HER?

1           A     YES, I SPOKE TO HER.

2           Q     ON THE PHONE?

3           A     YES.

4           Q     WHAT HAPPENED FROM THERE?

5           A     SHE SAID SHE WANTED TO COME BY, TALK TO ME  
6 ABOUT THE REFERRAL. I MADE MYSELF AVAILABLE, AND SHE  
7 CAME BY.

8           Q     THAT DAY?

9           A     I BELIEVE THAT AFTERNOON OR THE NEXT DAY.

10          Q     I'M SORRY?

11          A     I BELIEVE IT WAS EITHER THAT AFTERNOON ON  
12 THE 20TH OR THE NEXT DAY. BUT I THINK IT WAS THAT  
13 AFTERNOON.

14          Q     SO SHE COMES TO YOUR HOME. ARE YOU THERE WITH  
15 THE BABY?

16          A     YES.

17          Q     IS YOUR MOM THERE TOO?

18          A     YES, AND MY DAD.

19          Q     AND YOUR DAD'S THERE?

20          A     (NO AUDIBLE RESPONSE.)

21          Q     AT WHAT POINT DID YOUR DAD COME OUT FROM  
22 NEW YORK?

23          A     HE HAD MOVED TO CALIFORNIA LATE JULY OR  
24 MID-JULY OF 2009.

25          Q     SO BY THE TIME THAT WE GET TO OCTOBER 2009,  
26 INSOFAR AS WE'RE LOOKING AT YOUR SUPPORT, YOU'VE GOT  
27 YOUR MOM AND YOUR DAD WITH YOU?

28          A     YES.

1 Q SO MS. PENDER -- WERE YOUR MOM AND DAD THERE  
2 AT THE MEETING WHEN MS. PENDER CAME TO YOUR HOME?

3 A YES, THEY WERE AROUND.

4 Q SO SHARE WITH US A LITTLE BIT ABOUT THAT  
5 MEETING. WHAT HAPPENED?

6 A SHE CAME OUT. WE SAT IN MY LIVING ROOM. AND  
7 SHE HAD ADDRESSED THE ALLEGATION THAT -- THAT HAD BEEN  
8 MADE. AND I BEGAN TO EXPLAIN TO HER WHAT -- FROM MY  
9 PERSPECTIVE, WHAT THE ISSUES WERE.

10 I SHOW HER PICTURES. I SHOW HER BINDERS OF  
11 THINGS THAT I WAS DOING WITH THE BABY. I SHOW HER  
12 VIDEOS. WE TALKED ABOUT MEDICAL CARE HE HAD BEEN  
13 RECEIVING, OR LACK THEREOF. AND I -- THAT'S MAINLY  
14 WHAT THAT MEETING WAS ABOUT.

15 Q DID YOU HAVE ALL THE CHILD'S -- THE BABY --  
16 YOUR BABY'S MEDICAL RECORDS THERE AT YOUR HOME?

17 A I DID.

18 Q AND -- LET'S BACK UP A LITTLE BIT. YOUR --  
19 WHAT'S YOUR PROFESSION?

20 A I'M AN ACCOUNTANT.

21 Q OKAY. AND LIKE AN ACCOUNTANT, DID YOU HAVE  
22 ALL THOSE RECORDS ORGANIZED AND TABULATED?

23 A YES. BINDERS.

24 Q BINDERS. SO WHEN MS. PENDER CAME, YOU HAD  
25 THESE BINDERS WITH VARIOUS DIFFERENT RECORDS?

26 A YES.

27 Q DID YOU HAVE THOSE, LIKE, IN A BOX SOMEWHERE  
28 IN YOUR HOUSE, OR HOW DID YOU STORE THOSE?

1           A     NO.  I HAD A DESK AT HOME WITH MY COMPUTER.  I  
2     WORKED FROM HOME SOMETIMES.  SO I HAD THEM ON MY DESK  
3     BECAUSE SOMETIMES I -- IF I WANT TO REFER TO THEM, IT  
4     TO HAVE THEM READILY AVAILABLE TO ME.

5           Q     AND AM I CORRECT -- CORRECT ME IF I'M WRONG --  
6     BUT WOULD YOU FREQUENTLY REFER TO THEM ALL THE BACK TO  
7     MARCH OF 2009, JUST AS YOU WERE MONITORING WORKING  
8     THROUGH THE BABY'S PROBLEMS?

9           MS. SWISS:  OBJECTION:  LEADING.

10          THE COURT:  SUSTAINED.

11         BY MR. MCMILLAN:

12          Q     WHAT WAS THE REASON THAT YOU MAINTAINED THESE  
13     MEDICAL RECORDS IN THE MANNER THAT YOU DID MAINTAIN  
14     THEM?

15          A     FOR REFERENCE.  NOT JUST THE MEDICAL RECORDS  
16     THEN, BUT EVEN FROM THE CLASSES THAT I LEARNED, IN CASE  
17     I NEEDED TO GO BACK.

18          Q     GIVE US AN EXAMPLE.  WHY WOULD YOU NEED TO GO  
19     BACK AND LOOK AT THOSE RECORDS AGAIN?

20          A     MY LIST OF PEDIATRICIANS FROM CLASSES OR IF I  
21     WANTED TO READ MORE ABOUT A SPECIFIC ISSUE, LIKE  
22     VACCINATION OR SOMETHING.  I LIKE TO HAVE THE REFERENCE  
23     OF THE THINGS THAT I LEARNED.

24          Q     THE THINGS YOU WERE TOLD BY THE PROFESSIONALS?

25          A     YES.

26          Q     AND DO YOU STILL MAINTAIN SOME OF THOSE  
27     RECORDS, EVEN TODAY?

28          A     YES.

1 Q IN THOSE BINDERS?

2 A YES.

3 Q BUT NOW THEY'RE IN A BOX?

4 A YEAH.

5 Q SO GOING BACK TO THAT VISIT WITH MS. PENDER,  
6 YOU HAD ALL THOSE BINDERS WITH YOU?

7 A I DID.

8 Q DID YOU HAVE A CHANCE TO GO THROUGH THOSE  
9 RECORDS WITH HER?

10 A YES.

11 Q DID YOU DO THAT?

12 A YES. WE WENT THROUGH IT. YES.

13 Q YOU TALKED A LITTLE BIT EARLIER ABOUT YOUR  
14 VISIT WITH THE EASTERN LOS ANGELES REGIONAL CENTER.

15 DO YOU REMEMBER THAT?

16 A YES.

17 Q I THINK YOU TOLD US THAT MS. ESPINOZA HAD  
18 ACTUALLY GIVEN YOU A WRITTEN REPORT?

19 A YES.

20 Q WAS THAT WRITTEN REPORT IN ONE OF THOSE  
21 BINDERS?

22 A YES.

23 Q DID YOU GO OVER THAT WRITTEN REPORT WITH  
24 MS. PENDER?

25 A YES.

26 Q DID YOU GO THROUGH EVERY PAGE WITH HER, OR  
27 SHARE US HOW THAT PROCESS WENT, SPECIFICALLY WITH  
28 RESPECT TO THE EASTERN LOS ANGELES REGIONAL CENTER

1 ASSESSMENT.

2 A THE ASSESSMENT WAS THREE WEEKS OLD. SO WHEN I  
3 WAS EXPLAINING TO HER WHAT I WAS TRYING TO DO AT THE  
4 TIME, I REFERENCED THE ASSESSMENT AS TO THE AREAS OF  
5 NEED AT THAT MOMENT.

6 TO ADDRESS THE DEVELOPMENTAL DELAY, TO ADDRESS  
7 THE FEEDING ISSUES, AND KIND OF GIVING HER FEEDBACK OF  
8 WHAT I NEED TO DO. I NEED TO TAKE THE BABY TO THE  
9 DOCTOR, I NEED TO GET AN OT, PT CONSULT. YOU KNOW,  
10 THAT KIND OF HELPED.

11 Q DID YOU ALSO TALK TO HER ABOUT, YOU KNOW, THE  
12 ISSUES -- WHEN YOU SAY FEEDING ISSUES, DID YOU EXPLAIN  
13 TO HER IN REFERENCE TO THE SYRINGE FEEDING AND THE  
14 TROUBLE YOU HAD GETTING THE BABY TO EVEN START TO EAT  
15 WHEN HE WAS VERY YOUNG?

16 A YES, WE TALKED ABOUT THAT IN DETAIL.

17 Q AND THEN DID YOU ALSO TALK TO HER ABOUT THE  
18 TROUBLE YOU WERE HAVING GETTING A REGULAR PEDIATRICIAN?

19 A WE TALKED ABOUT THAT IN DETAIL AS WELL.

20 Q SHARE WITH US A LITTLE BIT ABOUT THAT  
21 CONVERSATION, HOW THAT CONVERSATION GOES.

22 A I HAD TO TALKED TO MS. PENDER ABOUT THE ISSUES  
23 I HAD WHEN I CAME HOME FROM THE HOSPITAL AND THE ISSUES  
24 I WAS HAVING EARLIER THAT YEAR WITH THE NURSING  
25 STRIKES.

26 I SHOWED HER VIDEOS OF ME TRYING TO FEED THE  
27 BABY, AND HE WILL JUST NOT EAT. YOU PUT FOOD IN FRONT  
28 OF HIM, YOU DO ALL THESE THINGS, YOU SING SONGS, WE

1 HAVE ALL THESE LITTLE DISTRACTIONS GOING ON, AND HE  
2 JUST DOESN'T WANT TO EAT.

3 AND I'M POURING MYSELF OUT, TELLING HER ALL  
4 THESE CONCERNS THAT I HAVE. AND HOW WE NEED TO ADDRESS  
5 THE CONCERNS BASED ON THE RECOMMENDATIONS WE'VE BEEN  
6 GIVEN.

7 Q NOW, YOU TALKED ABOUT VIDEOS YOU'RE TAKING OF  
8 THE BABY DURING SOME OF THESE FEEDINGS?

9 A YES.

10 Q WAS ONE OF THE REASONS YOU WERE TAKING THESE  
11 VIDEOS SO THAT YOU COULD SHOW THE DOCTOR WHAT YOU WERE  
12 EXPERIENCING WHEN YOU WERE AT HOME WITH THE BABY?

13 A YES.

14 MS. SWISS: OBJECTION: LEADING.

15 THE COURT: SUSTAINED.

16 BY MR. MCMILLAN:

17 Q WHY WAS IT YOU WERE TAKING THESE VIDEOS?

18 A TO BE ABLE TO SHOW THEM TO THE DOCTORS. AND  
19 FOR THEM TO BE ABLE TO GIVE ME THE PROPER FEEDBACK OF  
20 WHAT WAS GOING ON AND WHAT I NEEDED TO DO.

21 Q AND WHEN YOU WERE MEETING WITH MS. PENDER AND  
22 SHOWING HER THOSE VIDEOS, DID YOU EXPLAIN THAT TO HER,  
23 THAT -- THE REASON WHY YOU WERE TAKING THOSE VIDEOS?

24 A YES.

25 Q DID SHE HAVE ANY CRITICISM OF THAT?

26 A NOT THAT I RECALL AT THIS TIME.

27 Q AND AS YOU WERE GOING THROUGH THIS  
28 CONVERSATION WITH MS. PENDER ABOUT THE -- DID YOU TALK

1 WITH HER ABOUT THE BABY'S WEIGHT GAIN AND HOW THAT HAD  
2 LEVELED OFF?

3 A YES. WE TALKED ABOUT THE WEIGHT GAIN, THE  
4 STAGNATION OF THE WEIGHT.

5 Q THE WHAT? SORRY?

6 A STAGNATION.

7 Q STAGNATION. I GOT IT.

8 A STAGNATION OF THE WEIGHT, AND THE STEPS I WAS  
9 TRYING TO -- THE EFFORTS I WAS TRYING TO MAKE TO  
10 ADDRESS THE ISSUE.

11 Q AND DID YOU HAVE A TAB IN THAT BINDER FOR  
12 DR. YIM'S RECORDS?

13 A YES.

14 Q DID YOU GO THROUGH THOSE RECORDS WITH  
15 MS. PENDER?

16 A YES.

17 Q SO SHE COULD SEE FOR HERSELF THAT SOMETHING  
18 WAS GOING ON WITH THE BABY'S WEIGHT AS EARLY AS WHAT,  
19 THREE-AND-A-HALF MONTHS OLD?

20 MS. SWISS: OBJECTION: LEADING.

21 THE COURT: SUSTAINED.

22 BY MR. MCMILLAN:

23 Q AND THIS CONVERSATION THAT YOU HAD WITH  
24 MS. PENDER AS YOU'RE GOING THROUGH THE RECORDS, THE --  
25 DR. YIM'S RECORDS WITH HER, DID SHE SAY ANYTHING AT ALL  
26 ABOUT WHAT WAS GOING ON FROM RECORD ONE TO THREE MONTHS  
27 TO SIX MONTHS TO NINE MONTHS?

28 DID SHE TALK TO YOU AT ALL ABOUT WHAT WAS



1 GOING ON WITH THE TRAJECTORY OF THAT WEIGHT GAIN?

2 A NOT THAT I RECALL. I RECALL HER LISTENING TO  
3 WHAT I WAS SAYING, AND I DON'T RECALL HER MAKING ANY  
4 COMMENTS ABOUT IT.

5 Q BUT AS YOU WERE TALKING TO HER AND TALKING  
6 ABOUT THESE PROBLEMS WITH THE WEIGHT AND THE FEEDING,  
7 YOU WERE SHOWING HER THE RECORDS. WEREN'T YOU?

8 A YEAH.

9 MS. SWISS: OBJECTION: LEADING, ASKED AND  
10 ANSWERED.

11 THE COURT: SUSTAINED AS TO LEADING. I'D  
12 REALLY LIKE TO HAVE YOU ASK DIRECT QUESTIONS.

13 MR. MCMILLAN: OKAY.

14 BY MR. MCMILLAN:

15 Q AS YOU WERE TALKING WITH MS. PENDER, WERE YOU  
16 GOING THROUGH THE RECORDS WITH HER ONE BY ONE?

17 A I WAS.

18 Q HOW LONG DID THAT MEETING WITH MS. PENDER  
19 LAST?

20 A I'LL ESTIMATE.

21 Q SURE.

22 A BETWEEN TWO -- 2-1/2 TO 3-1/2 HOURS.

23 Q DURING THAT 2-1/2 TO 3-1/2 HOURS, DID  
24 MS. PENDER TAKE SOME TIME TO ACTUALLY SEE THE BABY?

25 A YES.

26 Q TELL US ABOUT THAT.

27 A SHE ASKED ME, SHE WANTED TO EXAMINE THE BABY,  
28 SO I TOOK HER TO THE BABY'S ROOM. AND SHE HAD ME

1       UNDRESS HIM, AND I UNDRESSED HIM.   AND I SHOWED HER THE  
2       BABY, AND THEN WE WENT BACK TO THE LIVING ROOM TO TALK.

3           Q       OKAY.   DID SHE -- DID MS. PENDER EVER TELL YOU  
4       THAT SHE HAD ANY MEDICAL TRAINING OR EXPERIENCE,  
5       ANYTHING LIKE THAT?

6           A       I DON'T RECALL THAT.

7           Q       I'M SORRY?

8           A       I DON'T RECALL HER SAYING THAT SHE HAD ANY  
9       MEDICAL TRAINING.

10          Q       WELL, WHEN YOU WERE TALKING TO HER THERE AND  
11       YOU'RE SHOWING HER THE MEDICAL RECORDS, AND SHOWING HER  
12       THE BABY, WAS IT YOUR IMPRESSION THAT SHE HAD ANY  
13       MEDICAL EXPERTISE OR MEDICAL TRAINING?

14          A       NO.

15          Q       DID SHE EVER ASK YOU TO EXPLAIN SOME OF THE --  
16       AT LEAST YOUR UNDERSTANDING OF SOME OF THE TERMS THAT  
17       YOU HAD LEARNED FROM YOUR VARIOUS CLASSES AND  
18       EXPERIENCES WITH THE BABY?

19          A       YES.   WE WENT THROUGH SOME OF THOSE IN LENGTH.  
20       IN FACT, SHE WAS AWARE OF THE BRADLEY METHOD.

21          Q       THE WHAT?

22          A       THE BRADLEY BIRTHING METHOD.   AND -- SO SHE  
23       HAD ACTUALLY TOLD ME SHE WAS AWARE OF THE METHOD WHEN  
24       WE WERE GOING THROUGH MY BINDERS.

25          Q       WAS THAT THE ONLY MEDICAL ISSUE WHERE SHE HAD  
26       ACTUALLY TOLD YOU, YEAH, I'M AWARE OF THAT?

27          A       WE TALKED ABOUT BREASTFEEDING.   SHE WAS AWARE  
28       OF SOME OF THE BOOKS I HAD READ ON BREASTFEEDING.   SO I

1 THINK SHE HAD AN AWARENESS OF SOME OF THE THINGS I WAS  
2 DOING.

3 Q HOW DID THE MEETING END?

4 A SHE TOLD ME SHE WILL GET BACK TO ME AFTER SHE  
5 TALKED TO RYAN MILLS.

6 Q DID SHE -- AT THAT MEETING, DID SHE GIVE YOU  
7 ANY INSTRUCTIONS OR RECOMMENDATIONS?

8 A NOT AT THAT MEETING.

9 Q AT SOME POINT, DID MS. PENDER GIVE YOU ANY  
10 INSTRUCTIONS OR RECOMMENDATIONS?

11 A YES.

12 Q WHEN WAS THAT?

13 A THE NEXT MORNING. I WAS AT WORK, AND SHE  
14 CALLED ABOUT 9:30. AND SHE HAD SCHEDULED AN  
15 APPOINTMENT FOR ME TO TAKE THE BABY TO THE CATCH  
16 CLINIC, THE CATC CLINIC, AND SHE WANTED ME TO TAKE HIM  
17 THAT SAME MORNING.

18 Q SO THAT WOULD HAVE BEEN -- THE NEXT DAY AFTER  
19 YOUR MEETING. DID I GET THAT RIGHT?

20 A YEAH. NEXT DAY.

21 Q SO LIKE THE 22ND-ISH?

22 A YES.

23 Q DID YOU FOLLOW THAT INSTRUCTION?

24 A YES. I ASKED MY BOSS FOR PERMISSION, AND I  
25 DID.

26 Q SO YOU GO TO THE CATC CLINIC -- I'M SORRY, YOU  
27 SAID, WAS THAT MORNING OR AFTERNOON?

28 A MORNING.

1 Q SO YOU GO TO THE CATC CLINIC IN THE MORNING  
2 FOR YOUR APPOINTMENT. DO THEY ASSESS THE BABY?

3 A YES.

4 Q SHARE WITH US A LITTLE BIT ABOUT THAT. WHAT  
5 HAPPENED?

6 A WE MET DR. EVANS, AND SHE WEIGHED THE BABY.  
7 SHE DID A DEVELOPMENTAL ASSESSMENT OF THE BABY. SHE  
8 DID SOME LABS. AND SO I WAS -- WE WERE THERE LIKE FOR  
9 A FEW HOURS.

10 Q WHEN YOU SAY WE, WHO ARE YOU TALKING ABOUT?

11 A ME AND MY MOM.

12 Q AND THE BABY?

13 A AND THE BABY.

14 Q SO MR. MILLS WASN'T AT THIS APPOINTMENT?

15 A NO.

16 Q AND AFTER THE -- WELL, LET ME ASK YOU THIS:  
17 AFTER THEY DID THEIR ASSESSMENT, THE LABS, THINGS LIKE  
18 THAT, DID YOU HAVE A CHANCE TO TALK WITH DR. EVANS?

19 A YES.

20 Q SHARE A LITTLE BIT WITH US ABOUT THAT  
21 CONVERSATION.

22 A I GAVE HER A HISTORY OF THE FEEDING ISSUES  
23 AND, YOU KNOW, THE WEIGHT HAD BEEN A CONCERN FOR RYAN.  
24 WE TALKED ABOUT WHEN THE FEEDING ISSUES  
25 STARTED, AND THE PROGRESSION OF EATING A LITTLE BIT TO  
26 FULL-BLOWN NOT WANTING TO EAT SOME DAYS TO GOING BACK  
27 TO EATING WELL TODAY, BUT THEN NOT WANTING TO EAT  
28 TOMORROW.

1                   AND THE CHALLENGES THAT, YOU KNOW, WE WERE  
2                   HAVING AT HOME TO TRY TO GET RYAN TO EAT.

3                   Q        WHEN YOU WENT TO THIS MEETING WITH YOUR MOM  
4                   AND BABY RYAN, DID YOU BRING ANY OF YOUR MEDICAL  
5                   RECORDS WITH YOU?

6                   A        I DON'T RECALL IF I HAD THEM WITH ME AT THAT  
7                   TIME.

8                   Q        DID DR. EVANS PROVIDE YOU WITH ANY KIND OF  
9                   DIAGNOSIS?

10                  A        SHE DID.

11                  Q        WHAT WAS THAT?

12                  A        FAILURE TO THRIVE.

13                  Q        DID SHE MAKE ANY RECOMMENDATIONS?

14                  A        SHE DID.

15                  Q        WHAT WERE THOSE?

16                  A        ONE OF HER RECOMMENDATIONS WAS TO GET THE BABY  
17                  TO AN ALLERGIST.

18                  Q        ANY OTHERS?

19                  A        THAT'S THE ONE THAT STANDS OUT RIGHT NOW.  OH,  
20                  YES.  THERE WAS ANOTHER ONE.  TO COME BACK TO THE  
21                  CLINIC.

22                  Q        DID SHE GIVE YOU A TIME FRAME OR SET AN  
23                  APPOINTMENT, SOMETHING LIKE THAT, WHEN TO COME BACK?

24                  A        I BELIEVE IT WAS A MONTH.  I THINK.

25                  Q        OKAY.  NOW, THIS ALLERGIST (SIC), SHE  
26                  RECOMMENDED THAT YOU SEEK OUT THE HELP OF AN ALLERGIST.  
27                  DID SHE EXPLAIN TO YOU WHY SHE THOUGHT THAT MIGHT BE  
28                  IMPORTANT?

1           A       I HAD SHOWN HER SOME PICTURES, AND THEREFORE  
2 SHE -- SHE GAVE ME THAT RECOMMENDATION, YES.

3           Q       DID YOU FOLLOW THAT RECOMMENDATION?

4           A       I DID.

5           Q       HOW LONG WAS IT AFTER THAT VISIT WITH  
6 DR. EVANS BEFORE YOU WERE ABLE TO LOCATE AN ALLERGIST?

7           A       A WEEK.

8           Q       A WEEK. SO YOU GOT ON THAT RIGHT AWAY?

9           A       YES.

10          Q       SO YOU SET AN APPOINTMENT WITH THE ALLERGIST.

11          A       YES.

12          Q       AND YOU TOOK THE BABY IN?

13          A       YES.

14          Q       TELL US ABOUT THAT VISIT.

15          A       I TOOK THE BABY, I TALKED TO THE DOCTOR. I  
16 EXPLAINED TO HER THAT THE BABY KEPT COMING WITH ALL  
17 THESE RASHES. AND I DIDN'T KNOW WHY -- WHY THEY WERE.

18                 HE'S CONSTANTLY HAVING THESE COLDS. AND IF,  
19 YOU KNOW, THE RASHES APPEAR, I ASKED DAD, HEY, DO YOU  
20 KNOW WHAT THESE RASHES ARE.

21                 HE'S LIKE, I HAVEN'T SEEN A RASH. SO I GAVE  
22 HER A HISTORY OF ALL THE RASHES, AND I SHOWED HER  
23 PICTURES OF -- THAT I HAD TAKEN OF THE RASHES.

24          Q       IN FACT, THAT DAY THAT YOU BROUGHT THE BABY IN  
25 TO SEE THE DOCTOR, DID HE HAVE A RASH?

26          A       HE DID.

27          Q       DID THE DOCTOR SEE THE RASH?

28          A       SHE DID. I SHOWED IT TO HER.

1 Q DID SHE COMMENT ON THE RASH?

2 A I DON'T RECALL.

3 Q WAS THIS -- WHICH DOCTOR WAS THIS?

4 A DR. SODERBERG IN PASADENA.

5 Q OKAY. I THINK WE HEARD FROM HER MAYBE

6 LIKE 14 DAYS AGO OR SO.

7 DOES THAT SOUND ABOUT RIGHT?

8 A YES.

9 Q AND DURING THAT VISIT, IF YOU RECALL, DID SHE  
10 RUN ANY KIND OF TESTING OR ANYTHING ON BABY RYAN TO  
11 SORT OF FERRET OUT THIS ALLERGY ISSUE?

12 A SHE DID. SHE DID A SKIN TEST.

13 Q DID SHE SHARE WITH YOU THE RESULTS OF THE SKIN  
14 TEST?

15 A SHE DID.

16 Q AND TO YOUR RECOLLECTION, WHAT WERE THE  
17 RESULTS?

18 A PLUS, MINUS -- "PLUS ONE" ON MILK AND EGGS,  
19 AND SOME ALLERGIC RHINITIS. I DON'T REMEMBER THE OTHER  
20 ONES.

21 Q AND THAT "PLUS ONE" ON MILK AND EGGS, WHAT WAS  
22 YOUR UNDERSTANDING OF WHAT THAT MEANT?

23 A THAT THAT COULD BE A POSSIBILITY FOR AN  
24 ALLERGIC REACTION TO MILK AND EGGS.

25 Q SO DID DR. SODERBERG, OUT OF THAT APPOINTMENT,  
26 DID SHE MAKE ANY RECOMMENDATIONS?

27 A YES.

28 Q WHAT WERE HER RECOMMENDATIONS?

1 A SHE WANTED ME TO TAKE THE BABY FOR LAB TESTS.

2 Q ANYTHING ELSE?

3 A SHE GAVE, LIKE, A LISTING OF SOAPS AND  
4 MOISTURIZERS FOR THE BABY. AND I BELIEVE THERE WAS A  
5 MEDICATION THERE.

6 Q AND WITH THE RECOMMENDATION FOR THE LAB TEST,  
7 DID YOU GO AHEAD AND FOLLOW THROUGH ON THAT?

8 A THE NEXT DAY.

9 Q THE NEXT DAY. WAS THAT BLOOD TEST OR SOME  
10 OTHER KIND OF?

11 A BLOOD TEST.

12 Q DO YOU REMEMBER ROUGHLY ABOUT WHAT DATE THAT  
13 WAS?

14 A I WOULD HAVE TO SEE A CALENDAR.

15 Q ALL RIGHT. WE MAY GET TO THAT LATER. WE MAY  
16 NOT. BUT WE MAY. DEPENDS ON MY MEMORY.

17 SO AFTER THE CATC CLINIC VISIT WITH DR. EVANS,  
18 AND THE VISIT WITH DR. SODERBERG, DID YOU HAVE MORE  
19 CONTACT WITH MS. PENDER?

20 A YES.

21 Q OKAY. ROUGHLY, WHEN WAS THAT?

22 A AROUND NOVEMBER -- SORRY -- OCTOBER 30 -- ON  
23 OCTOBER 30TH. I SPOKE TO MS. PENDER PRIOR TO THAT.

24 SO BETWEEN THE 22ND AND THE 30TH, I TALKED TO  
25 HER SEVERAL TIMES ON THE PHONE, AND I MET WITH HER ONCE  
26 OR TWICE, BUT DEFINITELY ONCE I MET WITH HER AT HER  
27 OFFICE.

28 Q AND IN THESE CONVERSATIONS, I THINK YOU SAID



1 THAT WOULD HAVE BEEN THE 22ND TO THE 30TH, THAT TIME  
2 FRAME.

3 IN THESE CONVERSATIONS DURING THAT TIME  
4 PERIOD, WERE YOU SHARING WITH MS. PENDER WHAT WAS GOING  
5 ON AT THESE VARIOUS APPOINTMENTS THAT YOU WERE GOING  
6 TO?

7 A YES, I DID.

8 Q GO AHEAD AND SHARE WITH US WHAT SORT OF  
9 INFORMATION YOU WERE GIVING MS. PENDER.

10 A SO I HAD SHARED WITH HER THE PROGRESS OF THE  
11 APPOINTMENTS. WHEN I MET WITH HER AT HER OFFICE, IT  
12 WAS TO GIVE HER A BUNCH OF DOCUMENTS FROM OUR FAMILY  
13 LAW CASE, JUST WITH THE DETAILS OF WHAT WAS GOING ON IN  
14 OUR FAMILY LAW CASE AS WELL.

15 Q AND YOU HAD ALREADY SPOKEN WITH HER AT THAT  
16 FIRST MEETING ABOUT THE FAMILY LAW CASE. AM I RIGHT  
17 ABOUT THAT?

18 A YES.

19 Q DID SHE ASK YOU TO BRING IN SOME OF THE  
20 RECORDS FROM THAT CASE SO SHE COULD LOOK AT THEM?

21 A WELL, WE HAD A CONVERSATION AFTER SHE WENT AND  
22 VISITED RYAN MILLS, AND THERE WERE DISPUTES OF FACTS.  
23 AND SO I WAS BRINGING THE DOCUMENTS TO SHOW HER THE  
24 FACTS ABOUT WHAT WAS REALLY GOING ON IN OUR FAMILY LAW  
25 HEARINGS.

26 Q AND ONE OF THE DOCUMENTS IN THE PILE THAT YOU  
27 BROUGHT HER, DID THAT INCLUDE THAT FAMILY COURT ORDER  
28 WHERE YOU HAD TO GET MR. MILLS'S AGREEMENT BEFORE

1 TAKING THE BABY TO SEE DOCTORS?

2 MS. SWISS: OBJECTION: LEADING.

3 THE COURT: SUSTAINED.

4 BY MR. MCMILLAN:

5 Q IN THAT -- DID YOU INCLUDE ANY OF THE  
6 ORDERS -- OR DID YOU PROVIDE MS. PENDER ANY OF THE  
7 FAMILY COURT ORDERS?

8 A IN THAT PACKAGE, THERE WAS A --

9 Q HOLD ON. THAT'S A YES OR NO QUESTION.

10 A I DON'T RECALL EVERYTHING THAT I GAVE HER IN  
11 THAT PACKAGE. BUT I -- WHEN SHE FIRST CAME, I DID SHOW  
12 HER THE ORDER I HAD OF THE JUNE HEARING.

13 Q OKAY. BUT YOU'RE NOT SURE IF YOU GAVE HER  
14 THAT ORDER AT THE NEXT MEETING?

15 A IN THAT PACKAGE, YES.

16 Q OKAY. I UNDERSTAND. DID MS. PENDER, AS YOU  
17 WERE FOLLOWING UP WITH HER ON THESE VARIOUS  
18 APPOINTMENTS, DID SHE GIVE YOU ANY MORE INSTRUCTIONS  
19 ABOUT WHAT SHE WANTED YOU TO DO?

20 LET ME PULL THAT BACK. WE WENT TO THE CATC  
21 CLINIC. YOU HAD THAT EVALUATION?

22 A YES.

23 Q AND YOU WENT TO DR. SODERBERG, AND YOU HAD  
24 THAT EVALUATION?

25 A YES.

26 Q AND YOU HAD A CONVERSATION, OR AT LEAST ONE  
27 CONVERSATION WITH MS. PENDER ABOUT WHAT WAS GOING ON  
28 THERE?

1 A YES.

2 Q AND AFTER WHICHEVER CONVERSATION THAT WAS, AT  
3 SOME POINT, DID SHE GIVE YOU ANY FURTHER INSTRUCTIONS?

4 A YES. WE WERE SUPPOSED TO COME BACK AND SEE  
5 MS. CRUMP, AND SHE HAD ASKED ME TO GO AHEAD AND  
6 SCHEDULE ANOTHER VISIT WITH A PEDIATRICIAN.

7 Q DID SHE TELL YOU WHAT PEDIATRICIAN?

8 A NO, SHE LEFT THAT UP TO ME.

9 Q DID YOU DO THAT?

10 A YES.

11 Q WHO DID YOU SCHEDULE AN APPOINTMENT WITH?

12 A IT WAS LIKE LAST-MINUTE. I HAD TO FIND THAT  
13 DAY. SO I WAS CALLING AROUND, AND I CALLED AROUND  
14 DR. GILL'S OFFICE BECAUSE WE'VE BEEN THERE. SO I  
15 CALLED THAT OFFICE TO TRY TO GET...

16 Q DID YOU GO TO THAT APPOINTMENT?

17 A I DID.

18 Q WAS DR. GILL ABLE TO ACCEPT YOU IN AS -- OR  
19 ACCEPT RYAN IN, I GUESS, AS A PATIENT?

20 A NO. SHE DIDN'T.

21 Q AFTER THAT, DID MS. PENDER GIVE YOU ANY  
22 FURTHER INSTRUCTIONS?

23 A YES.

24 Q WHAT ELSE DID MS. PENDER ASK YOU TO DO?

25 A SHE ASKED ME TO TAKE THE BABY TO THE  
26 HARBOR-UCLA FAILURE TO THRIVE CLINIC, AND SHE HAD SET  
27 UP THE APPOINTMENT FOR US TO GO THERE.

28 Q OKAY. SO SHE ALREADY SET UP THE APPOINTMENT,

1 AND THEN JUST GAVE YOU THE INFORMATION?

2 A YES.

3 Q DID YOU GO AHEAD AND FOLLOW HER INSTRUCTION  
4 AND TAKE THE BABY TO THAT APPOINTMENT?

5 A I DID.

6 Q DO YOU REMEMBER WHEN THAT WAS?

7 A THAT WAS NOVEMBER 3RD.

8 Q IS THAT MORNING, AFTERNOON, WHEN WAS THAT  
9 APPOINTMENT?

10 A MORNING.

11 Q WHO WAS AT THAT APPOINTMENT?

12 A MY PARENTS, MYSELF, THE BABY, RYAN MILLS, HIS  
13 PARENTS, AND THE DOCTORS THAT WE SAW.

14 Q AND WHAT DOCTORS DID YOU SEE?

15 A DR. EGGE. I ALSO SAW A NUTRITIONIST THAT DAY,  
16 WHILE, YOU KNOW, WE WERE THERE.

17 Q ABOUT HOW LONG DID THAT APPOINTMENT LAST?

18 A A FEW HOURS.

19 Q DURING THAT APPOINTMENT, DID THEY EXAMINE THE  
20 BABY?

21 A YES.

22 Q DID THEY DRAW BLOOD?

23 A I DON'T REMEMBER.

24 Q DID THEY RUN ANY -- DID THEY DO AN EEG ON THE  
25 BABY?

26 A I DON'T RECALL.

27 Q DID THEY DO AN MRI ON THE BABY?

28 A NO.

1 Q TAKE ANY X-RAYS?

2 A NO.

3 Q PUT ANY IVS IN HIM, ANYTHING LIKE THAT?

4 A NO.

5 Q DID DR. EGGE COME TO YOU AND TELL YOU THAT THE  
6 BABY WAS IN MEDICAL DISTRESS AND NEEDED IMMEDIATE CARE?

7 A NO.

8 Q IN FACT -- WELL, LET ME ASK YOU THIS: HOW DID  
9 THE APPOINTMENT END?

10 A I WAS TOLD TO GO AND MEET WITH SOMEONE, AND  
11 THEN WE CAN GO HOME. BUT I -- MS. PENDER HAD ASKED ME  
12 TO GO AND MEET HER AT HER OFFICE FOR A MEETING THAT  
13 AFTERNOON FOLLOWING THE APPOINTMENT.

14 Q OKAY. SO LET ME MAKE SURE I'VE GOT THIS  
15 RIGHT. YOU ALREADY HAD AN APPOINTMENT SET WITH  
16 MS. PENDER AT HER OFFICE WITH -- FOR THE AFTERNOON  
17 AFTER THIS DOCTOR'S APPOINTMENT?

18 A YES.

19 Q SO IT WASN'T THE DOCTORS THAT HAD YOU GOING  
20 OVER TO MS. PENDER'S?

21 A NO.

22 Q WHAT I'M WONDERING IS, YOUR DOCTOR'S VISIT,  
23 HOW DID IT END? DID THEY LET YOU LEAVE WITH THE BABY?

24 A YES. I WAS -- IT WAS JUST LIKE ANY OTHER  
25 APPOINTMENT. I WENT IN, HE GOT ASSESSED, AND I MET  
26 WITH THE DOCTOR. AND THEN I WENT ON TO GO TO MEET  
27 MS. PENDER.

28 Q DID YOUR PARENTS GO WITH YOU TO MEET

1 MS. PENDER?

2 A YES.

3 Q WHAT WAS THE -- DID MS. PENDER SHARE WITH YOU  
4 AT ALL THE REASON WHY IT WAS THAT SHE WANTED TO MEET  
5 WITH YOU THAT AFTERNOON?

6 A ALL SHE HAD SAID WAS THAT WE WILL JUST MEET,  
7 KIND OF TALK ABOUT WHAT THE BABY NEEDED, AND THAT'S  
8 WHERE SHE LEFT IT.

9 Q SO YOU LEFT THE FAILURE TO THRIVE CLINIC WITH  
10 YOUR PARENTS AND THE BABY. RIGHT?

11 A YES.

12 Q YOU GET OVER TO MS. PENDER'S OFFICE. DO YOU  
13 REMEMBER WHERE THAT WAS?

14 A YES.

15 Q WHERE?

16 A WESTMORELAND AND WILSHIRE. IT'S RIGHT AROUND  
17 HERE, A FEW MILES.

18 Q OKAY. SO IT'S LIKE NEAR DOWNTOWN?

19 A YEAH. AFTER VERMONT, YEAH.

20 Q I APOLOGIZE. OKAY. SO WALK US THROUGH THAT.  
21 YOU ARRIVE AT HER -- I PRESUME IT'S IN A BUILDING?

22 A YES.

23 Q YOU ARRIVE AT HER BUILDING. YOUR PARENTS ARE  
24 WITH YOU AND THE BABY. SORT OF WALK US THROUGH THAT.  
25 HOW DO YOU END UP GETTING TO WHERE YOU MEET MS. PENDER?

26 MS. SWISS: OBJECTION: CALLS FOR A NARRATIVE.  
27 VAGUE.

28 THE COURT: OVERRULED.

1 THE WITNESS: WE WERE RUNNING LATE ALREADY  
2 BECAUSE THERE WAS A LOT OF TRAFFIC. WE COME IN. I ASK  
3 FOR MS. PENDER, AND MY DAD, MY MOM, MYSELF AND THE  
4 BABY, WE ARE TAKEN TO A ROOM. I BELIEVE IT WAS THE  
5 SECOND FLOOR.

6 BY MR. MCMILLAN:

7 Q SO UPSTAIRS?

8 A YES.

9 Q AND JUST SORT OF -- WHEN YOU -- YOU GO INTO  
10 THIS ROOM. IS THERE ANYBODY IN THE ROOM?

11 A YES.

12 Q WHO'S IN THE ROOM?

13 A SUSAN PENDER, KIMBERLY ROGERS, PATERNAL  
14 GRANDPARENTS, CINDY PARIS, WENDY CRUMP, MY FRIEND  
15 NORISSA ENNIS.

16 RYAN, CARMEN MILLS, THE PUBLIC HEALTH NURSE,  
17 LAURA AUSTIN, AN INTERPRETER, I CAN'T REMEMBER HIS  
18 NAME, AND THERE WAS A FACILITATOR NAMED EILEEN.

19 Q THE INTERPRETER, WHY WAS HE THERE?

20 A BECAUSE MY PARENTS, THEY DON'T SPEAK ENGLISH.  
21 SO WE NEEDED AN INTERPRETER.

22 Q SO CORRECT ME IF I'M WRONG. WHAT I'M  
23 UNDERSTANDING IS, WHEN YOU AND YOUR PARENTS SHOWED UP,  
24 ALL THESE OTHER PEOPLE WERE ALREADY SORT OF ARRAYED OUT  
25 IN THE ROOM?

26 A YES.

27 Q WAS THERE -- DESCRIBE FOR ME, IN THE ROOM, HOW  
28 WAS IT SET UP?

1           A       IT WAS A -- LIKE A BIG OVAL TABLE.  AND YOU  
2       COME IN, AND THE TABLE IS RIGHT AROUND, AND THE  
3       ENTRANCE IS RIGHT HERE.  AND THEN THERE'S ALL THE  
4       CHAIRS ALL AROUND.

5           AND THERE'S A BOARD -- RIGHT WHERE YOU COME IN  
6       ON THIS SIDE, THERE'S A BOARD WHERE YOU WRITE, AND -- I  
7       DON'T REMEMBER WHAT PICTURES THERE WERE ON THE ROOM,  
8       BUT...

9           Q       THAT'S OKAY.  YOU WALK IN.  EVERYBODY'S  
10      ARRAYED OUT ON -- AT THIS TABLE.  WHAT HAPPENS FROM  
11      THERE?

12          A       EILEEN ANNOUNCES THAT NOW WE THAT CAME FOR THE  
13      MEETING THAT THEY WERE GOING TO START.  AND SO SHE  
14      STARTS THE MEETING.

15          Q       BEFORE WE GET INTO THE MEETING, WAS THIS A  
16      TEAM DECISION-MAKING MEETING?

17          A       YES.

18          Q       DID SOMEBODY EXPLAIN TO YOU BEFORE THE MEETING  
19      WHAT THAT MEANT, TEAM DECISION-MAKING MEETING?

20          A       NO.  ALL I KNEW WAS THAT WE WERE JUST GOING TO  
21      MEET AND JUST DISCUSS THE NEEDS OF THE BABY AND THAT  
22      WAS THAT.

23          Q       SO I THINK -- WHO STARTED THE MEETING?

24          A       THE FACILITATOR.  HER NAME WAS EILEEN.

25          Q       OKAY.  SO EILEEN -- IS IT EILEEN, OR EILEEN?  
26      (PRONUNCIATION)

27          A       IT'S E-I-L-E-E-N.

28          Q       WELL, I'M NOT SURE EITHER.  SO IT'S NOT ON



1 YOU. SO SHE STARTS THE MEETING. AND WHAT HAPPENS FROM  
2 THERE?

3 A WE GO ON TO DISCUSS THE FEEDING ISSUES. WE GO  
4 ON TO DISCUSS THE IMPORTANCE OF GETTING A PEDIATRICIAN.  
5 AND AT SOME POINT, EILEEN GETS UP AND SHE'S WRITING ON  
6 THE BOARD.

7 MOM, DAD, STRENGTHS AND WEAKNESSES, STRENGTHS  
8 AND WEAKNESSES. EVERYONE IS SHOUTING. OH, MOM DOES  
9 THIS. MY PARENTS, OH, SHE'S A GREAT PROVIDER, SHE  
10 TAKES THE BABY TO THE DOCTOR.

11 ALL THESE THINGS ARE BEING SHOUT OUT AT ONCE.  
12 FROM THE FATHER, HIS PARENTS ARE SHOUTING AND EILEEN IS  
13 WRITING, AT THIS POINT.

14 Q AND YOUR PARENTS, THEY HAVE THE INTERPRETER  
15 THERE WITH THEM?

16 A YES.

17 Q AND AS THIS IS UNFOLDING, ARE YOU ABLE TO SORT  
18 OF GAUGE AND SEE WHAT'S GOING ON WITH YOUR PARENTS?

19 A YES.

20 Q CAN YOU SHARE WITH US A LITTLE BIT ABOUT WHAT  
21 YOU SEE THERE?

22 A AT SOME POINT, I LEAN OVER BECAUSE THE BABY  
23 WAS A LITTLE FUSSY, AND I'M JUST PUTTING THE BOTTLE IN  
24 HIS MOUTH. AND MY DAD, HE LEANS OVER, AND HE TELLS ME,  
25 HE KIND OF TOUCHED MY LEG, TELLS ME, HEY, YOU NEED TO  
26 SPEAK UP.

27 THEY'RE NOT WRITING WHAT WE'RE SAYING. AND I  
28 TRIED TO CALM HIM DOWN, SAID OKAY, JUST GIVE ME A

1 MINUTE, HOLD ON. AND I TELL EILEEN HOW MY PARENTS ARE  
2 GIVING STRENGTHS IN OUR FAMILY, AND THOSE ARE NOT  
3 MAKING IT TO THE BOARD.

4 Q WHAT WERE SOME OF THE STRENGTHS THAT YOUR  
5 PARENTS WERE TRYING TO EXPRESS?

6 A RELATED TO FEEDING, THAT I -- I'M A GOOD MOM.  
7 THAT I -- MY MOM, THAT I GET UP EARLY IN THE MORNING  
8 TO, YOU KNOW, FEED THE BABY.

9 MY DAD, THAT I'M A GOOD PROVIDER. THEY TELL  
10 HIM SOME OF MY EFFORTS TO HELP RYAN. AND STUFF LIKE  
11 THAT.

12 Q AND IS THAT THE MATERIAL THAT JUST WASN'T  
13 BEING WRITTEN DOWN?

14 A CORRECT.

15 Q SO YOUR DAD, HE GOES BACK TO YOU AND HE TELLS  
16 YOU, GOT TO SPEAK UP.

17 A YES.

18 Q WHAT HAPPENS FROM THERE?

19 A HE'S BECOMING UPSET. AND AT SOME POINT, HE  
20 GETS UP AND HE TELLS SUSAN PENDER, BASURA, AND  
21 COCKROACH, AND THE INTERPRETER SAYS IT OUT LOUD.

22 Q THE INTERPRETER TRANSLATED IT?

23 A YES.

24 Q WHEN MS. PENDER HEARS THAT, WHAT HAPPENS FROM  
25 THERE?

26 A WELL, THE ROOM HEARD IT. THERE WAS JUST  
27 SILENCE.

28 Q THEN WHAT?

1           A       THEY WERE ANGRY.  EVERYONE THERE WAS REALLY  
2 ANGRY.

3           Q       SO WHAT HAPPENED?

4           A       THEY CALLED A RECESS.  AND THEY WENT OUTSIDE  
5 THE ROOM FOR ABOUT 30 TO 45 MINUTES.

6           Q       WHEN THEY CAME BACK, WHAT HAPPENED FROM THERE?

7           A       THEY CAME WITH A BUNCH OF PAPERS.  AND EILEEN  
8 ANNOUNCES THAT THEY HAVE DECIDED TO TAKE THE BABY FROM  
9 ME.

10          Q       AND DO WHAT?

11          A       AND PLACE HIM IN CUSTODY OF THE DAD.

12          Q       AT SOME POINT -- HOW LONG -- HOW FAR INTO THIS  
13 MEETING WAS IT WHEN THIS HAPPENED?

14          A       AT LEAST TWO HOURS.

15          Q       AND THEN AFTER THIS DECISION WAS MADE, DID  
16 THAT MEETING -- WHAT HAPPENED IN THAT MEETING UP IN THE  
17 CONFERENCE ROOM, DID IT END AND RECONVENE SOMEWHERE  
18 ELSE?

19          A       KIMBERLY ROGERS AND I GOT INTO A LITTLE  
20 ARGUMENT OVER CUSTODIAL ISSUES.  AND THEN I WAS TOLD I  
21 NEEDED TO GO DOWNSTAIRS TO BE FINGERPRINTED.

22          Q       AND DID YOU GO DOWNSTAIRS?

23          A       YES.

24          Q       TOOK YOUR BABY WITH YOU?

25          A       YES.

26          Q       GOT FINGERPRINTED?

27          A       YES.

28          Q       WHAT HAPPENED FROM THERE?

1           A       SUSAN PENDER CALLS ME TO THE ROOM RIGHT ACROSS  
2 THE HALLWAY FROM WHERE WE WERE GETTING FINGERPRINTED.  
3 AND SHE ASKED ME TO GIVE THE BABY TO THE FATHER. THE  
4 ROOM WAS DARK. AND I SEE HIM APPROACH FROM THE DARK,  
5 AND I TOLD HER NO.

6           Q       YOU WOULDN'T GIVE HER -- JUST BREATHE.

7           A       I BEGGED HER NOT TO DO IT.

8           Q       WHAT DID SHE TELL YOU?

9           A       TO GIVE HIM THE BABY.

10          Q       DID YOU GIVE HIM THE BABY?

11          A       EVENTUALLY.

12          Q       EVENTUALLY. CAN YOU SHARE WITH US HOW THAT  
13 WENT?

14                   MR. MCMILLAN: YOUR HONOR, MAY WE -- NOW WOULD  
15 BE A GOOD TIME FOR A BREAK?

16                   THE COURT: YES. I THINK WE'LL TAKE THE NOON  
17 RECESS AT THIS TIME. WE'LL RESUME AT 1:30, AS FAR AS  
18 THE JURORS ARE CONCERNED. ALL JURORS, PLEASE REMEMBER  
19 THE ADMONITION.

20                   HAVE NO CONTACT WITH ANYONE ABOUT ANY PERSON,  
21 OR SUBJECT, OR ISSUE INVOLVED IN THE CASE. DO NOT FORM  
22 OR EXPRESS ANY OPINIONS ABOUT ANY SUBJECT OR ISSUE IN  
23 THE CASE. WE'RE NOW IN RECESS.

24                                   (JURY EXCUSED)

25                                   (LUNCH WAS TAKEN FROM 11:58 A.M. TO 1:24 P.M.)

26                   THE COURT: ALL RIGHT. WE'RE ON THE RECORD.  
27 COUNSEL ARE PRESENT. OUTSIDE THE PRESENCE OF THE JURY.  
28 I HAVE RECEIVED AND READ THE BRIEF ON JURY INSTRUCTIONS

1 FILED BY THE DEFENDANT, AS WELL AS THEIR SUGGESTED  
2 INSTRUCTIONS.

3 WE'LL HAVE TO ADDRESS THOSE ISSUES, AND WE  
4 WILL DO SO ON FRIDAY. I ALSO -- WE'RE GOING TO HAVE TO  
5 ON FRIDAY MORNING LOOK AT THE VERDICT FORM.

6 AND I THINK THE -- MS. SWISS AND MR. GUTERRES,  
7 YOU MAY HAVE WHAT I BELIEVE IS THE LATEST VERSION, THAT  
8 WE RECEIVED, I THINK IT WAS YESTERDAY. I KNOW I'VE  
9 BEEN WORKING ON IT. AND WHAT WE SHOULD HAVE, I WOULD  
10 SAY FIRST THING FRIDAY MORNING --

11 AND NOT YET WORRYING ABOUT WORDING, BUT IF YOU  
12 HAVE ANY ISSUES THAT YOU BELIEVE SHOULD BE ADDRESSED OR  
13 NOT ADDRESSED ON VERDICT FORMS 1 AND 2, OR QUESTIONS  
14 THAT YOU THINK SHOULD BE INCLUDED OR ONES THAT SHOULD  
15 NOT BE INCLUDED, I THINK THAT WE SHOULD HAVE YOUR  
16 SUGGESTIONS ON THAT AS OF FRIDAY MORNING ALSO.

17 MS. SWISS: THAT'S FINE.

18 THE COURT: AND THAT COULD BE DONE IN  
19 PREPARATION OF AN ALTERNATIVE VERDICT IF YOU WANT TO DO  
20 IT. I DON'T REALLY WANT TO TELL YOU HOW TO DO IT.

21 BUT WE'RE JUST GOING TO HAVE TO HAVE THE  
22 INFORMATION BECAUSE I THINK THAT THESE ARE ISSUES THAT  
23 NEED TO BE ADDRESSED SO THAT WE HAVE, ESSENTIALLY, A  
24 FINAL FORM GOING FORWARD.

25 MR. GUTERRES: UNDERSTOOD, YOUR HONOR.

26 THE COURT: ALL RIGHT.

27 MR. MCMILLAN: YOUR HONOR, JUST ONE ISSUE ON  
28 THAT STIPULATION THAT WE'VE BEEN WORKING ON.

1 THE COURT: YES.

2 MR. MCMILLAN: I THINK A SUBSTANTIAL PORTION  
3 OF IT WE'VE BEEN ABLE TO RESOLVE OUR -- I DON'T WANT TO  
4 CALL IT A DISPUTE, BUT WHATEVER THAT CONTENTION IS.

5 AND WE'RE STILL LOOKING AT THE ISSUE OF  
6 DR. EGGE. AND WE'RE GOING TO BE TALKING ABOUT THAT  
7 TONIGHT, AND LOOKING AT IT A LITTLE CLOSER TONIGHT TO  
8 TRY TO WORK SOMETHING OUT ON THAT.

9 THE COURT: ALL RIGHT. WHICH -- IT'S THE  
10 RIGHT WAY TO GO ABOUT IT, SO PLEASE DO. IF IT'S NOT  
11 RESOLVED, I'M GOING TO RESOLVE THE ISSUE BY NO LATER  
12 THAN FRIDAY.

13 MR. MCMILLAN: THANK YOU, YOUR HONOR.

14 THE COURT: AND THEN, I THINK YOU SHOULD HAVE,  
15 AS PART OF THE DISCUSSION BETWEEN NOW AND THEN, AND ON  
16 FRIDAY AS WELL, THE MANNER IN WHICH THE REQUEST FOR  
17 ADMISSIONS AND RESPONSES SHOULD BE PRESENTED TO THE  
18 JURY.

19 I KNOW THAT THE OTHER DAY, I INDICATED I FELT  
20 THEY NEEDED TO BE ON THE RECORD. AND THEY DO. THEY DO  
21 NEED TO BE IN THE FORM -- IN THE EVIDENCE IN THE CASE  
22 AS OPPOSED TO JUST A JURY INSTRUCTION.

23 BUT I THINK YOU COULD CONSIDER AN EXHIBIT  
24 WHICH INCLUDED SIMPLY THE REQUEST FOR ADMISSIONS AND  
25 THE RESPONSES GIVEN OF THE ONES THAT YOU'RE RELYING  
26 UPON.

27 NOW, WE DON'T HAVE TO DO IT THAT WAY. BUT THE  
28 EXHIBIT WOULD SAVE US THE TIME OF HAVING TO READ FROM

1 THE REQUEST FOR ADMISSIONS AND THE RESPONSES TO THE  
2 JURY. SO AT LEAST HAVE THE DISCUSSION ABOUT THAT.

3 MR. MCMILLAN: WHAT --

4 THE COURT: AS TO HOW IT OUGHT TO BE  
5 PRESENTED.

6 MR. MCMILLAN: WELL, WHAT WE'RE SORT OF  
7 THINKING, YOUR HONOR, AND THAT'S SORT OF WHY WE'VE BEEN  
8 PUTTING TOGETHER THIS STIPULATION, GOING BACK AND  
9 FORTH, IS --

10 BECAUSE THE STIPULATION BASICALLY TAKES THE  
11 REQUEST FOR ADMISSIONS, BECAUSE THERE WERE LIKE, I  
12 DON'T KNOW, MAYBE 30 OR 40. THERE WAS A LOT.

13 THE COURT: YES, I KNOW.

14 MR. MCMILLAN: AND THEY WERE SOMEWHAT  
15 REPETITIVE.

16 THE COURT: YES.

17 MR. MCMILLAN: SO WHAT WE DID IS WE SORT OF  
18 COMPRESSED THEM BY SUBJECT MATTER, INTO, I THINK THIS  
19 IS 1-1/2 PAGES, AND 7 OR 8 BASIC ADMISSIONS IN THE FORM  
20 OF A STIPULATION.

21 THE COURT: ALL RIGHT.

22 MR. MCMILLAN: AND WHAT WE'RE THINKING IS  
23 MAYBE, IF WE CAN GET THE REQUEST FOR ADMISSIONS  
24 INSTRUCTIONS SO THE JURY UNDERSTANDS, YOU KNOW, HOW  
25 THAT ALL CAME ABOUT. AND THEN JUST PERHAPS HAVE YOUR  
26 HONOR READ THE STIPULATION TO THE JURY.

27 THE COURT: AND IF IT'S BEEN COMPRESSED THAT  
28 WAY --

1 MR. GUTERRES: IF THERE'S A STIPULATION,  
2 THERE'S NO NEED FOR THE INSTRUCTIONS ON THE ADMISSIONS  
3 BECAUSE THERE'S A STIPULATION THESE FACTS HAVE BEEN  
4 ADMITTED.

5 MR. MCMILLAN: I HAVE TO LOOK AT THAT  
6 QUESTION. I'M NOT SURE -- WELL, NO. CORRECT ME IF I'M  
7 WRONG, BUT EVEN IF THE JURY INSTRUCTION ISN'T  
8 NECESSARILY READ TOGETHER WITH THE STIPULATION, YOUR  
9 HONOR WOULD STILL READ --

10 WHAT I ENVISION DOING IS RESTING SOMETIME  
11 TOMORROW AND THEN I WOULD LIKE TO READ THE -- EITHER  
12 THE STIPULATION OR THE ADMISSIONS TO THE JURY AS OUR  
13 LAST --

14 THE COURT: AND MR. GUTERRES IS SUGGESTING AN  
15 EVEN MORE EXPEDITIOUS WAY OF DOING THAT, IF I  
16 UNDERSTAND WHAT HE JUST SAID, AND I THINK I DID.

17 HE'S SAYING THAT, AS OPPOSED TO EITHER AN  
18 EXHIBIT OR A READING OF REQUESTS FOR ADMISSIONS AND  
19 RESPONSES, THAT BECAUSE CERTAIN FACTS HAVE NOW BEEN  
20 DEEMED ADMITTED BY THE COURT'S ORDER, THAT YOU COULD  
21 SIMPLY HAVE A STIPULATION WHICH WOULD RECITE CERTAIN  
22 FACTS HAVE BEEN ADMITTED, AT LEAST AS TO THE PARTIES --  
23 TO THOSE ADMISSIONS.

24 AND THEN, LIKE WE WOULD WITH ANY OTHER  
25 STIPULATION, WE WOULDN'T HAVE TO TELL THE JURY ABOUT  
26 REQUESTS FOR ADMISSIONS. BUT WE COULD PLACE ON THE  
27 RECORD THE STIPULATION.

28 AND VERY COMMONLY, WHEN WE HAVE THE



1 STIPULATION, I THINK MORE OFTEN THAN NOT, I'M THE ONE  
2 THAT RECITES IT TO THE JURY. BUT I THINK IT COULD BE  
3 RECITED BY ANYONE, AND JUST PLACE ON THE RECORD THAT  
4 FOR THE PURPOSES OF THIS ACTION, THE FOLLOWING FACTS  
5 HAVE BEEN DEEMED TO BE TRUE.

6 AND THEN BECAUSE IT'S A STIPULATION, I THEN  
7 GIVE THE JURY THE INSTRUCTION THAT BECAUSE THESE FACTS  
8 HAVE BEEN ADMITTED FOR THE PURPOSES OF THIS ACTION, YOU  
9 MUST DEEM ALL SUCH FACTS TO BE TRUE WITHOUT FURTHER  
10 EVIDENCE.

11 MR. MCMILLAN: THAT SOUNDS A LOT MORE  
12 EFFICIENT TO ME THAN ACTUALLY GOING THROUGH THE PROCESS  
13 OF READING THE --

14 THE COURT: I AGREE, SO -- AND THAT'S A GOOD  
15 IDEA. SO MY THOUGHT IS, MAYBE ALONG THAT LINE, YOU CAN  
16 WORK WITH MS. SWISS AND MR. GUTERRES PUTTING  
17 TOGETHER --

18 BECAUSE A STIPULATION WOULD BE FAIRLY CONCISE  
19 BECAUSE THE QUESTIONS WERE REPETITIVE. AND THAT WOULD  
20 BE A VERY EXPEDITIOUS WAY OF DOING IT. SO I WANT YOU  
21 TO HAVE THAT CONVERSATION BEFORE FRIDAY AS WELL.

22 MR. MCMILLAN: I'M GOING TO TRY TO RESOLVE  
23 THAT WITH MS. SWISS THIS AFTERNOON BECAUSE I ENVISION  
24 RESTING TOMORROW, AND THE STIPULATION IS THE LAST PIECE  
25 OF EVIDENCE I'D LIKE TO PRESENT TO THE JURY.

26 THE COURT: OKAY. AND THEN LASTLY, WE STILL  
27 HAVEN'T GOTTEN OUR ARMS AROUND HOW TO ADDRESS ALL THESE  
28 DIFFERENT EXHIBITS YOU'RE REQUESTING TO BE RECEIVED IN

1 EVIDENCE. AND -- WHERE ARE YOU IN THOSE DISCUSSIONS?

2 MR. GUTERRES: WELL, WE'VE GIVEN THEM SOME  
3 THAT WE HAVE NO ISSUES AND I -- WE HAVEN'T HEARD BACK  
4 AS TO WHAT THEY WANT TO DO WITH THOSE.

5 BUT MORE IMPORTANTLY, I GUESS ON FRIDAY WHEN  
6 WE COME -- THE COURT REPORTER HAD ALSO INQUIRED WHETHER  
7 OR NOT WE SHOULD HAVE A COURT REPORTER, AND I'M  
8 THINKING MAYBE WE DO SINCE --

9 THE COURT: I THINK, AND SHE ASKED ME THE SAME  
10 QUESTION. I TOLD HER AFTER WE HAD THIS DISCUSSION THAT  
11 I'D GET BACK TO HER ON IT.

12 AND I'M THINKING WE SHOULD HAVE A REPORTER  
13 HERE ON FRIDAY BECAUSE I HOPE THAT WE'LL BE ABLE TO USE  
14 THE REPORTER'S TIME WELL, EVEN THOUGH IT WOULDN'T BE  
15 CONTINUOUS, TO GET MATTERS ON THE RECORD. SO, YES, I  
16 THINK WE SHOULD HAVE A REPORTER.

17 AND THEN IT WOULD SEEM TO ME AS TO ONES IN  
18 WHICH THERE'S NO ISSUE, IN FACT, THE DEFENSE AGREES  
19 THEY MAY BE RECEIVED IN EVIDENCE, WE SHOULD BE ABLE TO  
20 PLACE THAT ON THE RECORD IF NOTHING ELSE.

21 BUT WE STILL NEED TO DECIDE HOW TO ADDRESS THE  
22 RATHER NUMEROUS NUMBER OF EXHIBITS. I DON'T HAVE ANY  
23 NUMBER BUT THERE'S QUITE A FEW OF THEM.

24 AND ONE UNDERLYING PRINCIPLE WOULD BE, THE  
25 FACT IT WAS MARKED AS -- SOMETHING WAS MARKED AS AN  
26 EXHIBIT IN A DEPOSITION WON'T QUALIFY FOR ADMISSION  
27 UNLESS EITHER THAT DEPOSITION HAS BEEN READ OR SOMEBODY  
28 HAS TESTIFIED TO THE EXHIBIT.

1           AND I'M ASSUMING THAT MAY BE ALL THAT -- ALL  
2           THE ONES ON YOUR LIST PROBABLY MEET THOSE  
3           QUALIFICATIONS.

4           BUT IT'S -- WHAT I'M JUST SAYING, THE MERE  
5           FACT YOU MENTIONED A DEPOSITION, BUT NO ONE'S HEARD THE  
6           DEPOSITION, AND WE HAVEN'T HAD -- HEARD TESTIMONY, THEY  
7           AREN'T GOING TO COME IN EXCEPT BY STIPULATION.

8           THERE MAY BE SOME DOCUMENTS THAT EVERYBODY  
9           AGREES SHOULD BE PART OF THE EVIDENCE REGARDLESS, AND  
10          IF SO, SO BE IT.

11          MR. MCMILLAN: I BELIEVE, YOUR HONOR, TO  
12          ANSWER THAT QUESTION OR ISSUE, I DID WORK PRETTY  
13          CLOSELY WITH MR. PARIS IN LAYING OUT THE PARAMETERS FOR  
14          WHAT IT WAS THAT WE WERE GOING TO BE SEEKING TO HAVE  
15          ADMITTED.

16          AND IT WAS LIMITED TO ONLY THOSE EXHIBITS THAT  
17          WERE PRESENTED -- WHERE THERE WAS TESTIMONY,  
18          NUMBER ONE, AUTHENTICATING THE EXHIBIT, AND THEN  
19          NUMBER TWO, ABOUT THE SUBSTANCE OF THE EXHIBIT WITH A  
20          WITNESS THAT WAS EITHER PRESENTED BY VIDEO OR  
21          TESTIMONY, AND ONLY AS TO THOSE EXHIBITS THAT WERE  
22          ACTUALLY PRESENTED TO THE JURY.

23          BECAUSE THERE'S A LOT OF EXHIBITS ON THE  
24          DEPOSITIONS THAT NEVER GOT IN FRONT OF THE JURY IN THE  
25          FORM OF TESTIMONY, AND WE'RE NOT DOING ANYTHING WITH  
26          ANY OF THOSE. IT'S ONLY THE ONES THAT JURY HAS SEEN  
27          AND HEARD ABOUT.

28          THE COURT: SO ARE YOU REVIEWING YOUR LIST TO

1 MAKE SURE YOUR LIST MEETS THOSE CRITERIA? BY YOU, I'M  
2 REFERRING TO YOU, THE PLAINTIFF'S TEAM.

3 MR. MCMILLAN: YES, YOUR HONOR. THE  
4 PLAINTIFF'S TEAM IS DOING THAT.

5 THE COURT: AND YOU'RE -- A MEMBER OF THAT  
6 TEAM HAS BEEN CHARGED WITH THAT RESPONSIBILITY, THAT'S  
7 FINE.

8 MR. MCMILLAN: WE ARE.

9 THE COURT: ALL RIGHT.

10 MR. GUTERRES: I SEE A NUMBER OF STARES GOING  
11 BACK AND FORTH BETWEEN THE TEAM THERE.

12 THE COURT: I NOTICE MR. KING IS IN HIDING.  
13 APPARENTLY, MR. PARIS HAS BECOME THE VOLUNTEER.

14 MR. GUTERRES: AND YOUR HONOR, WE HAVE ALSO  
15 GIVEN THEM THAT LIST OF THE -- BECAUSE SOME OF -- THERE  
16 ARE MULTIPLE COPIES AND MULTIPLE EXHIBITS THAT HAVE  
17 BEEN NAMED -- HAVE DIFFERENT EXHIBIT NUMBERS.

18 AS TO THE CORRELATION OF WHICH ONE WE WOULD  
19 AGREE TO OR NOT AGREE TO, AND I THINK WE ALSO NEED TO  
20 REACH AN AGREEMENT ON.

21 MR. MCMILLAN: WE'RE WORKING ON THAT AS WELL.

22 THE COURT: AND TWO OTHER --

23 MR. MCMILLAN: WERE YOU SAYING THIS IS THE  
24 LIST THAT YOU SENT THAT YOU WOULD STIP TO, OR DID YOU  
25 ACTUALLY HAVE A CROSS-REFERENCE TABLE?

26 MS. SWISS: NO. I JUST SENT THE LIST BUT WE  
27 WOULD STIPULATE TO -- (SIMULTANEOUS SPEAKING) -- WHERE  
28 THERE'S LIKE MAYBE DUPLICATION OF

1 EXHIBIT 4 -- (SIMULTANEOUS SPEAKING) -- RIGHT, BUT FOR  
2 EXAMPLE, THE APPRENTICE ESTIMATE IS IN THE DEPOSITION 3  
3 OR 4 TIMES, AND THEN WE TALKED ABOUT ONE TRIAL EXHIBIT.

4 SO WE WILL STIPULATE TO THE TRIAL EXHIBIT,  
5 WHATEVER NUMBER THAT WAS. BUT WE DON'T NEED ALL THE  
6 VERSIONS IN, IS OUR POSITION.

7 MR. MCMILLAN: I THINK THAT WE'RE PUTTING  
8 TOGETHER AN INDEX TO SORT OF CROSS -- I THINK THE FIRST  
9 STEP IN FIGURING OUT WHAT IS THERE, IN TERMS OF  
10 MULTIPLE DUPLICATION, IS TO HAVE AN INDEX THAT CROSS  
11 REFERENCES EACH ONE BY DEPOSITION, BY EXHIBIT NUMBER,  
12 AND THEN BY TRIAL EXHIBIT NUMBER.

13 AND WE'RE WORKING ON THAT.

14 THE COURT: ALL RIGHT. THE NEXT THING THAT I  
15 WANT TO TALK TO YOU ABOUT, UNLESS THERE'S SOMETHING  
16 MORE TO BE SAID AT THIS TIME ABOUT THAT --

17 MR. GUTERRES: NOT ON THAT SUBJECT MATTER.

18 THE COURT: -- IS THE TESTIMONY OF OPPOSING TO  
19 BE ELICITED FROM MR. -- MS. COX.

20 MR. MCMILLAN: MR. COX. MR. KING IS NOT HERE,  
21 SO I AM HIS PROXY, AND I HAVE A LIST.

22 AND IT LOOKS LIKE MR. COX WAS THE PROSECUTING  
23 ATTORNEY ON WALLACE, AND MABE, AND THAT HE ALSO HAS,  
24 HIMSELF, FILED AND PROSECUTED COMPLAINTS ON BEHALF OF  
25 PARENTS AGAINST THE COUNTY OF LOS ANGELES,  
26 NON-DUPLICATIVE OF MR. POWELL'S.

27 THEY'RE DIFFERENT COMPLAINTS, OR FOR DIFFERENT  
28 PEOPLE. AND ONE OF THEM IN PARTICULAR WAS AGAINST ONE

1 OF THE DEFENDANTS IN THIS CASE FOR SIMILAR,  
2 SUBSTANTIALLY SIMILAR INSTANCES OF ALLEGED MISCONDUCT.

3 AND HE WILL TALK ABOUT THAT CASE AND  
4 DISCIPLINARY ISSUES ARISING OUT OF THAT CASE, IF ANY.  
5 AND THEN ALSO THE CACI INDEX.

6 I'M NOT SURE IF YOUR HONOR'S AWARE, BUT  
7 THERE'S A CALIFORNIA JUSTICE DEPARTMENT. IT RUNS  
8 WHAT'S CALLED THE CHILD ABUSE CENTRAL INDEX.

9 AND ANY TIME A PARENT HAS BEEN -- HAS A  
10 SUBSTANTIATED ALLEGATION OF CHILD ABUSE AGAINST THEM,  
11 THEY GET REPORTED TO THAT INDEX. AND THEN FOREVER  
12 MORE, I THINK IT'S -- THE NEW STATUTE IS FOR 100 YEARS,  
13 OR 99 YEARS, IT STAYS THERE.

14 AND ANY TIME THAT THEY DO ANYTHING THAT'S  
15 GOING TO BE INVOLVING CHILDREN, LIKE THEY WANT TO  
16 VOLUNTEER IN A PEDIATRIC WARD IN A HOSPITAL OR AT  
17 SCHOOL, OR ANYWHERE THEY NEED TO GET LIVE-SCANNED, THEY  
18 POP UP ON THAT LIST AS A CHILD ABUSER, AND THEN THEY'RE  
19 BARRED FROM DOING ANYTHING IN RELATION TO CHILDREN.

20 AND THAT HAS A VERY SUBSTANTIAL IMPACT. AND  
21 MS. DUVAL, THE EVIDENCE IS GOING TO BE THAT SHE'S ON  
22 THAT LIST. AND IN OUR VIEW, UNJUSTLY SO. AND MR. COX  
23 DEALS WITH THOSE ISSUES AS WELL.

24 MR. GUTERRES: SO YOUR HONOR, I WOULD OBJECT  
25 TO ANY TESTIMONY OF MR. COX COMING IN AND PUTTING HIS  
26 OPINIONS REGARDING WHAT THE LAW IS AS A RESULT OF  
27 WALLACE OR MABE. I THINK THAT'S AN IMPROPER REASON FOR  
28 CALLING HIM.

1 THE COURT: YEAH, CAN I JUST STOP YOU RIGHT  
2 THERE? BECAUSE I WANT TO ASK A QUESTION ALSO.  
3 ACTUALLY, ALL OF YOU MADE ME AWARE OF THE WALLACE CASE.

4 I DON'T PRETEND TO HAVE ANY KNOWLEDGE OF THIS  
5 CASE, BUT WHY DO WE NEED TO HAVE HIM TESTIFY  
6 SPECIFICALLY ABOUT BEING COUNSEL IN THE WALLACE CASE?

7 MR. MCMILLAN: I DON'T KNOW THAT WE  
8 NECESSARILY NEED HIM TO TALK ABOUT HIM BEING COUNSEL IN  
9 WALLACE, AND I DON'T NECESSARILY KNOW THAT WE NEED HIM  
10 TO TALK ABOUT WALLACE.

11 THAT WOULD JUST, I GUESS, BE PART OF HIS  
12 TRAINING, BACKGROUND, EXPERIENCE IN THIS AREA OF THE  
13 LAW, I SUPPOSE, AND IF YOUR HONOR, YOU KNOW, THINKS  
14 IT'S UNNECESSARY, THEN WE DON'T HAVE A PROBLEM CUTTING  
15 THAT OUT.

16 THE COURT: I DON'T SEE ANY REASON FOR HIM TO  
17 TESTIFY TO THAT. NATURALLY, YOU WANT TO HAVE HIM  
18 TESTIFY ABOUT HIS BACKGROUND AND EXPERIENCE, BUT  
19 SPECIFIC NAMING OF A CASE, I THINK IS, FRANKLY, AS FAR  
20 AS THE JURY IS CONCERNED, IS MEANINGLESS.

21 THE JURORS DON'T KNOW, AND PROBABLY NONE OF  
22 THEM EVER WILL KNOW, WHAT THE WALLACE CASE WAS, OR IS,  
23 AND WHATEVER -- WAS THAT A NINTH CIRCUIT CASE?

24 MR. MCMILLAN: IT WAS, IT'S NINTH CIRCUIT OUT  
25 OF SAN DIEGO.

26 THE COURT: SO. I DON'T KNOW WHAT IT WAS, OR  
27 WHAT ITS SIGNIFICANCE WOULD BE. AND I DON'T THINK  
28 THAT'S IMPORTANT, IF THAT'S WHY YOU'RE TELLING WHY HE'S

1       HERE.

2               MR. MCMILLAN:  IT'S NOT -- RIGHT, IT'S NOT WHY  
3       HE'S HERE, IT'S JUST PART OF HIS BACKGROUND, TRAINING,  
4       AND EXPERIENCE.

5               THE COURT:  WELL, YOU CAN TALK ABOUT HIS  
6       BACKGROUND, TRAINING AND EXPERIENCE, ASSUMING IT'S  
7       SOMETHING HE'S GOING TO BE ABLE TO TALK ABOUT.

8               MR. GUTERRES HASN'T SAT DOWN YET, WHICH MEANS  
9       HE HAS SOMETHING MORE.

10              MR. GUTERRES:  YOUR HONOR, THIS -- THIS  
11       LISTING ON CACI, THE C-A-C-I, THERE WAS NO QUESTIONING  
12       ABOUT THAT AT MR. COX'S DEPOSITION THAT WAS TAKEN BACK  
13       IN MAY.

14              THIS IS A BRAND-NEW ISSUE THAT'S JUST NOW  
15       BEING RAISED, THAT WAS NOT PREVIOUSLY RAISED IN THE  
16       UNDERLYING CASE OR DISCOVERY.  SO I WOULD ARGUE THAT  
17       CACI SHOULD NOT BE A SUBJECT MATTER TO BE DISCUSSED.

18              THE COURT:  I THINK -- I THINK COX WAS ON YOUR  
19       LIST OF EXPERT WITNESSES, AS I RECALL.  NOT AS A  
20       RETAINED EXPERT, BUT IN THE SECTION OF YOUR DESIGNATION  
21       OF A NUMBER OF NON-RETAINED.

22              MR. MCMILLAN:  CORRECT.

23              THE COURT:  BUT THE REASON I'M HESITATING,  
24       THINKING ABOUT WHAT MR. GUTERRES IS SAYING, IS I'M NOT  
25       SURE THAT THAT TESTIMONY IS OPINION TESTIMONY IN ANY  
26       EVENT.

27              THE -- IT'S SIMPLY -- IT'S A SUBJECT -- IF I  
28       REMEMBER, AND I DON'T KNOW THAT THAT'S REALLY EXPERT



1 OPINION ALL. IT DOESN'T TAKE AN EXPERT TO TELL US THAT  
2 THERE'S SOME KIND OF SITE, LIST, WHATEVER YOU WANT TO  
3 CALL IT.

4 THERE EITHER IS OR THERE ISN'T. AND YOU DON'T  
5 NEED AN EXPERT TO TELL YOU THAT. SO THE REASON I'M  
6 RAISING THIS IS I'M NOT SURE.

7 IF IT DIDN'T COME UP IN A DEPOSITION, I THINK  
8 THAT -- COMMONLY REFERRED TO AS A KENNEMUR OBJECTION --  
9 IS THAT IT DOESN'T IMPLICATE KENNEMUR IF IT'S NOT  
10 OPINION TESTIMONY BUT SIMPLY FACTUAL TESTIMONY THAT  
11 ISN'T IMPLICATED BY KENNEMUR.

12 NOW, IF THERE'S SOMETHING IN THE DEPOSITION  
13 WHERE THE WITNESS IS COMMITTED THAT THAT -- IN THE  
14 DEPOSITION THAT HE HAS NOW SAID EVERYTHING THAT HE HAS  
15 TO SAY, OPINION OR NOT, THEN THAT MIGHT BE A DIFFERENT  
16 PROPOSITION.

17 BUT I DON'T HAVE HIS DEPOSITION. MAYBE IT'S  
18 UP HERE. SO, WHAT DO YOU THINK, MR. GUTERRES? I DON'T  
19 REALLY SEE THAT -- LOOK, I DO SEE THAT AS BEING A  
20 POTENTIAL ELEMENT OF CLAIMED HARM BY SOMEONE BEING  
21 INCLUDED ON THE LIST. IT'S NOT EQUIVALENT AT ALL.

22 AS YOU KNOW, PEOPLE -- THE PEOPLE CONVICTED OF  
23 COMMITTING SEX CRIMES GO ON THE SEX OFFENDERS LIST.  
24 THIS IS A LITTLE DIFFERENT, BUT THE PLAINTIFF IS ON IT.  
25 SEEMINGLY, THAT'S THE ELEMENT OF DAMAGE.

26 SO I THINK THE REAL ISSUE IS -- AND I'M NOT  
27 SUGGESTING ANY -- THAT -- I'M NOT SUGGESTING WHAT THE  
28 TRIER OF FACT WOULD FIND.

1           BUT I THINK IT PRESENTS AT LEAST A FACTUAL  
2           ISSUE, AS TO WHETHER OR NOT THAT DOES PRESENT A BASIS  
3           FOR -- AS PART OF THE CLAIM OF HARM, AND TO  
4           DETERMINE -- FOR THE JURY TO DETERMINE WHAT THE EFFECT  
5           OF THAT IS.

6           SO I THINK THE REAL ISSUE ABOUT THAT TESTIMONY  
7           IS REALLY WHETHER IT'S OPINION OR NOT, AND I DON'T SEE  
8           IT AS BEING OPINION. I THINK THAT'S JUST A FACTUAL  
9           STATEMENT, IF THERE IS SUCH A LIST. APPARENTLY,  
10          MS. DUVAL'S GOING TO TESTIFY THAT SHE'S ON THE LIST.

11          MR. MCMILLAN: THAT'S CORRECT.

12          THE COURT: SO --

13          MR. GUTERRES: UNDERSTOOD, YOUR HONOR.

14          THE COURT: WELL, YOU MADE YOUR OBJECTION TO  
15          IT. THE REASON I JUST STATED, I'M GOING TO OVERRULE  
16          THAT OBJECTION. ANYTHING FURTHER?

17          MR. GUTERRES: SO HERE'S THE ONE AREA THAT I  
18          DO WANT TO SHARE -- OR AT LEAST HAVE -- REQUEST THE  
19          COURT FOR SOME GUIDANCE.

20          AND THAT IS, AT DEPOSITION, THERE WAS A LOT OF  
21          DISCUSSIONS ABOUT MR. COX'S CASES, WHAT THE FACTUAL  
22          SCENARIOS WERE, THE SETTLEMENTS.

23          AND I KNOW THAT THE COURT HAD INDICATED THAT  
24          THE COURT -- YOU KNOW, AS I UNDERSTOOD, WAS NOT GOING  
25          TO ALLOW GOING INTO FACTUAL ISSUES REGARDING EACH OF  
26          THOSE CASES BECAUSE IT -- BECAUSE OF 827 ISSUES.

27          THE COURT: WHICH IS TRUE, AND THAT'S WHAT I  
28          INDICATED WITH MR. POWELL'S TESTIMONY, AND NO TESTIMONY

1 WAS OFFERED OR RECEIVED MR. POWELL ON THAT SUBJECT, AND  
2 THAT WOULD BE TRUE OF MR. COX. HE CAN TALK IN GENERAL  
3 TERMS BUT WITHOUT THE SPECIFIC FACTS OF THE CASES.

4 SO TO THAT EXTENT, I THINK THEN THE SECOND  
5 AREA YOU INDICATED ABOUT HIS EXPERIENCE IN CASES  
6 INCLUDING AGAINST THE COUNTY OF LOS ANGELES, AND  
7 INCLUDING SOME OF THOSE NAMED DEFENDANTS, OF AT LEAST  
8 THE ALLEGATIONS MADE, AND WHATEVER DISCOVERY HE'S DONE,  
9 WHILE TRYING TO FIND ANY RECORD OF ANYONE EVER BEING  
10 DISCIPLINED.

11 MR. GUTERRES: YOUR HONOR, OTHER THAN THE CASE  
12 AGAINST THE ONE NAMED INDIVIDUAL, OUR POSITION WOULD BE  
13 THAT WOULD BE SOMEWHAT CUMULATIVE OF WHAT'S ALREADY  
14 BEEN PRESENTED.

15 THE COURT: YEAH, I THINK IN A SENSE IT'S  
16 CUMULATIVE, BUT IT'S A DIFFERENT PERSON ATTEMPTING TO  
17 FIND THE INFORMATION.

18 AND I THINK IT'S PERMISSIBLE THAT MORE THAN  
19 ONE PERSON COULD TESTIFY THAT THEY'VE ATTEMPTED IN  
20 THEIR PROFESSIONAL EXPERIENCE TO IDENTIFY ANYONE WHO  
21 HAS EVER BEEN DISCIPLINED.

22 I'M NOT SURE WHAT THE ANSWER TO THAT IS, BUT  
23 THAT'S NOT FOR ME TO DECIDE ON THE SUBJECT OF THE  
24 TESTIMONY. ONE OF THE PROBLEMS ABOUT ASKING PEOPLE IF  
25 THEY EVER HEARD, DO THEY KNOW ANYBODY WHO'S BEEN  
26 DISCIPLINED, IS PERSONNEL MATTERS ARE CONFIDENTIAL.

27 SO ONE OF THE BIG REASONS WHY SOMEONE MIGHT  
28 NEVER HAD HEARD ABOUT SOMEONE BEING DISCIPLINED FOR A

1 CERTAIN THING IS BECAUSE PERSONNEL MATTERS ARE  
2 CONFIDENTIAL.

3 AND ONE OF THE WITNESSES IN ONE OF THE  
4 DEPOSITIONS, I FORGOT NOW -- I APOLOGIZE FOR  
5 FORGETTING NAMES OF ALL THE DEONENTS WHOSE TESTIMONY  
6 ALREADY BEEN READ, BUT I'D ALSO CHALLENGE ANYONE ELSE  
7 HERE --

8 MR. GUTERRES: WE'VE BEEN LIVING WITH THE CASE  
9 FOR FIVE YEARS.

10 MR. MCMILLAN: YOUR HONOR, I THINK THE ONE  
11 YOU'RE THINKING OF WAS GUY TRIMARCHI.

12 MR. PRAGER: I BELIEVE IT WAS MICHELLE  
13 HOCHSTEIN.

14 THE COURT: THERE BEING SOME NUMBER OF PERSONS  
15 THAT THAT WITNESS WAS AWARE OF AS HAVING BEEN  
16 DISCIPLINED.

17 MR. MCMILLAN: OH, THAT WOULD HAVE BEEN  
18 LYNNE CONDEN.

19 THE COURT: I THINK IT WAS CONDEN, AND I THINK  
20 IT WAS IN THE FIRST VOLUME.

21 MR. MCMILLAN: CORRECT.

22 THE COURT: AND THAT'S MY RECOLLECTION. SO  
23 THERE IS SOME EVIDENCE OF PEOPLE BEING DISCIPLINED.  
24 BUT I THINK IT'S LEGITIMATE, NEVERTHELESS, BECAUSE ALL  
25 THAT DOES IS CREATE A FACTUAL ISSUE.

26 SO I THINK IT'S LEGITIMATE FOR MR. COX TO BE  
27 ABLE TO TESTIFY IN THE SAME AREA IN THE GENERAL MANNER  
28 DONE BY MR. POWELL, WITHOUT GOING INTO SPECIFIC CASES

1 OR INSTANCES.

2 MR. MCMILLAN: THE LAST QUESTION THAT WE HAD,  
3 YOUR HONOR, IS APPARENTLY, TOMORROW, MS. BALABAN, THE  
4 DEFENDANTS WILL BE BRINGING MS. BALABAN AS ONE OF THE  
5 FIRST WITNESSES IN THEIR CASE IN CHIEF.

6 AND WE'RE LOOKING FOR A LITTLE BIT OF GUIDANCE  
7 ON WHAT WE SHOULD DO, BECAUSE WE HAVE HER DEPO EXHIBITS  
8 THAT WERE PRESENTED TO THE JURY, AND THEN WE HAVE  
9 IMPEACHMENT VIDEO CLIPS THAT REFERENCE THOSE EXHIBITS,  
10 BUT PRESUMABLY, WE'LL HAVE THIS -- THE ACTUAL EXHIBIT.

11 AND AS I'M SAYING THIS, I'M WISHING THAT WE  
12 HAD PREMARKED ALL OF THESE THINGS BEFORE WE DID ANY  
13 DEPOSITIONS. THAT WOULD HAVE MADE IT SO MUCH EASIER.

14 BUT WE'RE NOT SURE -- HOW WOULD YOUR HONOR  
15 LIKE US TO PROCEED WITH MS. BALABAN? I GUESS JUST IN  
16 REFERENCE TO HER DEPOSITION EXHIBITS VERSUS, YOU KNOW,  
17 THE ACTUAL DETENTION REPORT, RIGHT? DURING  
18 CROSS-EXAMINATION.

19 THE COURT: IF YOU'RE GOING TO CROSS-EXAMINE  
20 THE WITNESS OVER -- OR ABOUT AN EXHIBIT THAT WAS SHOWN  
21 TO THE WITNESS IN THEIR DEPOSITION, I THINK THAT YOU  
22 SIMPLY STATED --

23 JUST AS AN EXAMPLE, AS EXHIBIT 7 TO THE  
24 DEPOSITION, BUT ITS TRIAL EXHIBIT NUMBER IS 647, YOU  
25 JUST SO STATE. THEN, AND IT'S -- SO THAT 647 IS THE  
26 ONE WHICH WILL THEN BE MARKED FOR IDENTIFICATION HERE.

27 MR. MCMILLAN: ALL RIGHT. I THINK THAT  
28 CLARIFIES THINGS.

1 THE COURT: DOES THAT ANSWER YOUR QUESTION?

2 MR. MCMILLAN: I THINK IT DOES. I DON'T  
3 THINK -- WELL, I HAVE A QUESTION COMING, AND I THINK  
4 THAT WE'VE ALREADY ADDRESSED THIS EARLIER.

5 BUT IF IT'S IDENTIFIED IN THE DEPOSITION,  
6 IDENTIFIED IN THE DIRECT EXAMINATION, AUTHENTICATED BY  
7 THE WITNESS, ARE WE THEN GOING TO BE PERMITTED TO  
8 PUBLISH IT DURING THE CROSS-EXAMINATION?

9 THE COURT: IT'S GOING TO DEPEND ON WHETHER  
10 THERE'S A STIPULATION OR AGREEMENT THAT IT MAY BE  
11 RECEIVED IN EVIDENCE, OR IF YOU OBTAIN A PRIOR RULING  
12 BEFORE IT CAN BE PUBLISHED.

13 NO MATTER HOW THE SUBJECT COMES UP, THAT  
14 PRINCIPLE REMAINS THE SAME. NO DOCUMENT GETS SHOWN  
15 EXCEPT BY STIPULATION OR THE PRIOR ORDER OF THE COURT.

16 MR. MCMILLAN: OKAY. AND BY PRIOR ORDER OF  
17 THE COURT, THAT WOULD BE AN ORDER EITHER ADMITTING IT  
18 INTO EVIDENCE OR SPECIFICALLY ALLOWING IT TO BE  
19 PUBLISHED.

20 THE COURT: YES.

21 MR. MCMILLAN: OKAY. IS THERE ANY WAY THAT  
22 TOMORROW, AT SOME POINT TOMORROW, PROBABLY PREFERABLY  
23 IN THE MORNING, WE CAN HAVE A HEARING TO RESOLVE, AT  
24 LEAST WITH RESPECT TO THE BALABAN DETENTION REPORT, ANY  
25 EVIDENTIARY OBJECTIONS TO THAT REPORT --

26 THE COURT: WELL, I THINK SO. SO HAVE A  
27 DISCUSSION WITH MR. GUTERRES AND --

28 MR. GUTERRES: IF THEY CAN GIVE US THE

1 EXHIBITS SOMETIME TONIGHT, WE MIGHT BE ABLE TO REVIEW  
2 THOSE AND LET THEM KNOW.

3 MR. MCMILLAN: OKAY. WE'LL GET THAT, WE'LL  
4 GET THAT TO THEM.

5 THE COURT: YEAH. I THINK THAT WOULD BE THE  
6 BEST WAY. THEN, LET ME ASK YOU, AND WE'LL TALK ABOUT  
7 IT IN THE MORNING.

8 I'LL LOOK AT THEM OVERNIGHT SO WE CAN TAKE A  
9 LOOK AT THEM AND THEN WE CAN HAVE A DISCUSSION TOMORROW  
10 ABOUT HOW ANY OF THOSE WOULD BE ADDRESSED.

11 MR. MCMILLAN: OKAY. WE'LL DO THAT. THANK  
12 YOU, YOUR HONOR.

13 MR. GUTERRES: PLUS, IF MS. BALABAN EVEN GETS  
14 TO TESTIFY TOMORROW, IT WOULD PROBABLY IN THE  
15 AFTERNOON, I ASSUME. IT'S ALREADY 2:00.

16 MR. MCMILLAN: YEAH, PROBABLY. PROBABLY. I  
17 DON'T KNOW WHAT TIME -- I THINK MR. COX IS GOING TO BE  
18 HERE AT 10:30. AND WE'RE GOING TO TRY TO MAKE PRETTY  
19 SUBSTANTIAL PROGRESS WITH MS. DUVAL THIS AFTERNOON --

20 THE COURT: I THINK WE WILL, BUT HER  
21 TESTIMONY -- AND I HAVEN'T EVEN ASKED FOR THIS, BUT  
22 THAT'S BECAUSE I RECOGNIZED ALL ALONG THAT HER  
23 TESTIMONY WILL BE OF SOME DURATION BECAUSE SHE IS ONE  
24 OF THE VERY FEW WITNESSES WHO CAN TESTIFY FROM  
25 BEGINNING TO END ABOUT WHAT'S OCCURRED.

26 SO THAT NECESSARILY TAKES MORE TIME. AND  
27 BECAUSE SHE'S A PARTY TO THE CASE WITH CERTAIN CLAIMS,  
28 THERE'S ALSO ADDITIONAL TESTIMONY JUST BEYOND, IN

1 EFFECT BEING A PARTICIPANT OR A PERCIPIENT WITNESS TO  
2 EVENTS.

3 SO I'M ASSUMING SHE'S GOING TO BE ON THE STAND  
4 THIS AFTERNOON. AND I WOULD ASSUME TOMORROW TOO.

5 MR. MCMILLAN: RIGHT. RIGHT. AND I'M NOT  
6 CERTAIN THAT -- I THINK WE'LL PROBABLY BE DONE WITH HER  
7 BY SOMETIME TOMORROW AFTERNOON. BUT I'M NOT CERTAIN OF  
8 THAT.

9 THE COURT: I'VE PLACED NO LIMIT ON IT. AND  
10 IF AT SOME POINT IN TIME, IF I THINK WE AREN'T  
11 PROCEEDING WITH REASONABLE PACE, THEN OF COURSE, YOU  
12 KNOW I WON'T BE SHY ABOUT SAYING SOMETHING.

13 MR. MCMILLAN: THANK YOU, YOUR HONOR.

14 THE COURT: YOU'RE WELCOME. ALL RIGHT.

15 MR. GUTERRES: PLEASE, YOUR HONOR, DON'T  
16 ENCOURAGE MR. MCMILLAN ANY FURTHER.

17 MR. MCMILLAN: OH, COME ON NOW.

18 THE COURT: I SEE HE'S GOT THE OWNER'S MANUAL  
19 HERE. (LAUGHTER)

20 LET'S GET THE JURY IN.

21 (JURY PRESENT)

22 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN  
23 COURT IN THE PRESENCE OF THE JURY)

24 THE COURT: ALL RIGHT. EVERYONE MAY BE  
25 SEATED. WE'RE ON THE RECORD. EVERYBODY IS PRESENT.  
26 MS. DUVAL, I MIGHT ASK -- ARE WE GOING TO INTERRUPT  
27 MS. DUVAL'S TESTIMONY AT THIS TIME?

28 MR. PRAGER: YES, YOUR HONOR.



1 THE COURT: ALL RIGHT. SO I TAKE IT BACK. I  
2 WAS ABOUT TO ASK YOU TO COME BACK UP. AND I'D  
3 FORGOTTEN, WE HAVE ANOTHER WITNESS.

4 SO WE'RE GOING TO INTERRUPT THE TESTIMONY OF  
5 MS. DUVAL. WE'LL GET BACK TO HER WHEN WE CAN. FOR  
6 SCHEDULING PURPOSES, WE HAVE ANOTHER WITNESS WE'RE  
7 GOING TO CALL AT THIS TIME. MR. PRAGER.

8 MR. PRAGER: THANK YOU, YOUR HONOR. MS. DUVAL  
9 CALLS JAIME URQUIZO, WHICH IS U-R-Q-U-I-Z-O.

10 YOUR HONOR?

11 THE COURT: YES.

12 MR. PRAGER: THE WITNESS APPARENTLY HAS  
13 BEEN -- IS INDISPOSED.

14 THE COURT: WELL, I'LL BE PATIENT THEN.

15

16

JAIME URQUIZO,

17 WAS CALLED AS A WITNESS AND, HAVING BEEN FIRST DULY

18 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

19

20

DIRECT EXAMINATION

21 BY MR. PRAGER:

22 Q MR. URQUIZO, THANK YOU FOR COMING DOWN FROM  
23 SACRAMENTO TODAY, AND THANK YOU FOR YOUR PATIENCE IN  
24 WAITING FOR US TO START TODAY.

25 COULD YOU PLEASE DESCRIBE FOR THE JURY WHAT  
26 YOUR JOB IS AT THIS TIME?

27 A I AM A CIVIL RIGHTS CONSULTANT WITH THE STATE  
28 OF CALIFORNIA. MY RESPONSIBILITY IS TO HAVE OVERSIGHT

1 FOR SEVERAL COUNTIES THROUGHOUT CALIFORNIA. THE  
2 RESPONSIBILITIES INCLUDE REVIEWING DISCRIMINATION  
3 CLAIMS THAT COME IN, REPORTS.

4 AND GIVING GUIDANCE AND -- FOR DOING  
5 COMPLIANCE REVIEWS, WHICH MEANS GOING OUT TO THE  
6 COUNTIES AND CHECKING FOR ADA COMPLIANCE AND LOOKING AT  
7 CASES.

8 LOOKING AT PAPERWORK AND DOCUMENTS. AND THEN  
9 BASICALLY OVERSIGHT WITH THE COUNTIES THAT I WORK WITH.

10 Q THANK YOU. AND WHO IS YOUR ACTUAL EMPLOYER?

11 A MY EMPLOYER IS THE CALIFORNIA DEPARTMENT OF  
12 SOCIAL SERVICES.

13 Q THANK YOU. HOW LONG HAVE YOU BEEN WORKING IN  
14 THAT FUNCTION?

15 A AS A CIVIL RIGHTS CONSULTANT, CLOSE TO TEN  
16 YEARS.

17 Q NOW, AS A CIVIL RIGHTS CONSULTANT, ARE THERE A  
18 NUMBER OF STATUTES THAT YOU WOULD ENFORCE AS PART OF  
19 YOUR JOB?

20 A OUR GUIDELINES ARE THROUGH CHAPTER 21,  
21 DIVISION 21.

22 Q NOW, IS IT TRUE THAT DIVISION 21 EFFECTUATES  
23 THE CIVIL RIGHTS ACT OF 1964?

24 A I BELIEVE SO.

25 Q AND IS IT TRUE THAT YOUR ORGANIZATION ALSO  
26 ENFORCES THE REHABILITATION ACT OF 1973?

27 A I BELIEVE SO.

28 Q AND IS IT TRUE YOUR ORGANIZATION ENFORCES

1 TITLE 2 OF THE AMERICANS WITH DISABILITIES ACT?

2 A YES.

3 Q NOW, HAVE YOU EVER HEARD THE TERM, COUNTY  
4 WELFARE DEPARTMENT?

5 A HAVE I -- EXCUSE ME?

6 Q HAVE YOU HEARD THE TERM, COUNTY WELFARE  
7 DEPARTMENT?

8 A YES.

9 Q WHAT DOES THAT MEAN?

10 A WHEN I GET -- WHEN I HEAR THAT TITLE, IT'S THE  
11 SECTION OF THE COUNTY'S SERVICES THAT HELP PEOPLE.

12 Q IS THAT TRUE THAT IT WOULD INCLUDE  
13 ORGANIZATIONS SUCH AS THE DEPARTMENT OF CHILDREN AND  
14 FAMILY SERVICES?

15 A YES.

16 Q IN FACT, YOU OVERSEE A NUMBER OF PARTICULAR  
17 COUNTIES OR JURISDICTIONS. CORRECT?

18 A CORRECT.

19 Q CAN YOU PLEASE -- WITHDRAW THAT QUESTION.  
20 DO YOU OVERSEE LOS ANGELES COUNTY DCFS  
21 DEPARTMENT AT THIS TIME?

22 A AT THIS TIME, I DON'T. WE WORK ON A ROTATION  
23 BASIS.

24 Q IN 2009, DID YOU OVERSEE LA DCFS?

25 A AT THAT TIME, YES, I DID.

26 Q OKAY. AND WE'VE MET BEFORE. HAVEN'T WE?

27 A YES.

28 Q WE MET IN SACRAMENTO?

1           A     RIGHT.

2           Q     WHERE I DEPOSED YOU?

3           A     YES.

4           Q     I THINK THAT WAS FEBRUARY 12, 2015. DOES THAT  
5 SOUND ABOUT CORRECT?

6           A     SOUNDS CLOSE TO IT.

7           Q     OKAY. THANK YOU FOR THAT. AND YOU UNDERSTOOD  
8 YOU WERE BEING DEPOSED ABOUT THE DUVAL MATTER AT THAT  
9 TIME. CORRECT?

10          A     YES.

11          Q     AND IT'S TRUE THAT IN YOUR OFFICIAL CAPACITY,  
12 YOU WERE ASKED TO DO A NUMBER OF TASKS REGARDING THE  
13 DUVAL CASE. CORRECT?

14          A     CORRECT.

15          Q     LET ME JUMP TO A HOUSEKEEPING DETAIL FIRST, IF  
16 I COULD. BEFORE YOU IS EXHIBIT 203. LET ME ASK YOU AS  
17 YOU LOOK AT THAT. JUST PLEASE REVIEW IT AND JUST --  
18 IT'S RIGHT THERE OPEN FOR YOU.

19          A     I'M SORRY?

20          Q     IT SHOULD BE OPEN RIGHT THERE FOR YOU.

21          A     OKAY.

22                MR. PRAGER: MAY I PROCEED, YOUR HONOR?

23                THE COURT: YES.

24                MR. PRAGER: THANK YOU, YOUR HONOR.

25 BY MR. PRAGER:

26           Q     OKAY. NOW, YOU'VE REVIEWED EXHIBIT 203.  
27 CORRECT?

28           A     I'M SORRY?

1 Q YOU HAVE REVIEWED EXHIBIT 203. CORRECT?

2 A YES.

3 Q AND THIS IS A DECLARATION OF RECORDS FOR A  
4 CUSTODIAN. CORRECT?

5 A CORRECT.

6 Q AND YOU ARE THE SIGNATORY OF THIS DECLARATION.  
7 CORRECT?

8 A CORRECT.

9 Q IT'S TRUE THAT A SUBPOENA WAS SENT FROM  
10 MS. DUVAL'S ATTORNEYS TO THE CALIFORNIA DEPARTMENT OF  
11 SOCIAL SERVICES REQUESTING ALL RECORDS REFERABLE TO  
12 THIS MATTER. CORRECT?

13 A YES.

14 Q AND DID THE RESPOND TO THAT REQUEST?

15 A YES.

16 Q DID YOU PREPARE THE STATE'S FILE IN RESPONSE  
17 TO THIS REQUEST?

18 A I DID.

19 Q AND DID YOU TRANSMIT ALL THE DOCUMENTS THAT  
20 YOU HAD IN THE STATE'S FILE AS A RESPONSE TO THIS  
21 REQUEST?

22 A I DIDN'T. OUR LEGAL OFFICE DID.

23 Q THANK YOU. AND YOU'RE THE ONE THAT SIGNED  
24 THIS DECLARATION?

25 A YES.

26 Q AND YOU REVIEWED IT TO MAKE SURE ALL THE  
27 DOCUMENTS WERE INCLUDED. CORRECT?

28 A YEAH, YES.

1 Q OKAY. NOW, YOU'RE AWARE OF THE FACT THAT --  
2 LET ME STOP AND DIGRESS FOR A MOMENT. CAN WE CALL THE  
3 CALIFORNIA DEPARTMENT OF SOCIAL SERVICES CDSS?

4 A YES.

5 Q THANK YOU. AND WHAT DIVISION OR OFFICE WITHIN  
6 CDSS DO YOU WORK FOR?

7 A THE DIVISION HAS CHANGED. I NOW WORK FOR THE  
8 WELFARE TO WORK DIVISION.

9 Q THANK YOU. IN 2009, DID YOU WORK FOR THE  
10 CIVIL RIGHTS BUREAU?

11 A YES.

12 Q AND CAN THAT BE ABBREVIATED CRB?

13 A YES.

14 Q SO IF WE SEE CRB, THAT WOULD BE THE CIVIL  
15 RIGHT BUREAU?

16 A RIGHT.

17 Q THANK YOU. NOW, IN 2009, IT IS TRUE THAT YOU  
18 OVERSAW CIVIL RIGHTS COMPLAINTS BY THE PUBLIC AGAINST  
19 DCFS WORKERS. CORRECT?

20 A CORRECT.

21 Q CAN YOU GIVE US A VERY BRIEF SKETCH OF HOW  
22 THAT PROCESS WORKS FROM YOUR PERSPECTIVE, HOW A CLIENT,  
23 A MEMBER OF THE PUBLIC FILES A COMPLAINT AGAINST DCFS  
24 OR ITS WORKERS?

25 A A MEMBER OF THE PUBLIC HAS SEVERAL OPTIONS OF  
26 FILING. THEY CAN FILE DIRECTLY TO THE COUNTY, AND THEN  
27 THE COUNTY NOTIFIES US. OR THEY CAN FILE DIRECTLY TO  
28 US, VIA TELEPHONE OR EMAIL OR -- TELEPHONE. TELEPHONE

1 OR E-MAIL.

2 Q DO YOU INVESTIGATE ANY COMPLAINTS BY  
3 EMPLOYEES, FOR EXAMPLE, IF I WAS EMPLOYED BY DCFS, AND  
4 I WANTED TO COMPLAIN ABOUT A COWORKER, WOULD YOU  
5 INVESTIGATE MY COMPLAINT?

6 A I WOULD NOT.

7 Q IN YOUR ROLE AT THE CRB, ALL YOU DO IS  
8 INVESTIGATE COMPLAINTS BY THE GENERAL PUBLIC AGAINST  
9 DCFS WORKERS. IS THAT CORRECT?

10 A BY THE GENERAL PUBLIC WITHIN THE JURISDICTION.

11 Q YES. THANK YOU. AND WHAT I THINK YOU'RE  
12 TALKING ABOUT IS YOUR PARTICULAR WORK ASSIGNMENT.  
13 CORRECT?

14 A RIGHT.

15 Q SO FOR EXAMPLE, IF I WAS COMPLAINING ABOUT  
16 SOME KIND OF SOCIAL SECURITY PROBLEM, YOU WOULD NOT  
17 ADDRESS THAT?

18 A I WOULD NOT.

19 Q AND IS IT TRUE THAT YOU ALSO ENFORCE  
20 GOVERNMENT -- CALIFORNIA GOVERNMENT CODE SECTION 51?

21 A I BELIEVE SO.

22 Q OKAY. AND BASED ON YOUR TRAINING, IS IT TRUE  
23 THAT, WHEN THE LAWS OF CALIFORNIA PRESCRIBE A HIGHER  
24 STANDARD THAN FEDERAL LAWS FOR THE PROTECTION OF  
25 INDIVIDUALS WITHIN YOUR JURISDICTION, YOUR OFFICE  
26 FOLLOWS THE MORE PROTECTIVE CALIFORNIA STATE LAWS?

27 A YES.

28 Q NOW, THERE ARE A NUMBER OF CLASSES, OR

1 PROTECTED CATEGORIES, THAT YOUR OFFICE ENFORCES.

2 CORRECT?

3 A CORRECT.

4 Q AND AGAIN, THAT'S BASED ON THE 1964 ACT.

5 CORRECT?

6 A CORRECT.

7 Q IT'S TRUE THAT THAT WOULD INCLUDE, FOR

8 EXAMPLE, RACE?

9 A YES.

10 Q DOES IT INCLUDE COLOR?

11 A YES.

12 Q NATIONAL ORIGIN?

13 A YES.

14 Q POLITICAL AFFILIATION?

15 A YES.

16 Q RELIGION?

17 A YES.

18 Q MARITAL STATUS?

19 A YES.

20 Q SEX?

21 A YES.

22 Q IT SHOULD BE GENDER, RIGHT?

23 A EITHER/OR.

24 Q THANK YOU. AGE?

25 A YES.

26 Q AND DISABILITY?

27 A YES.

28 Q AND THE GOAL HERE IS THAT NONE OF THESE



1 INDIVIDUALS WITH THESE CHARACTERISTICS WOULD BE DENIED  
2 THE BENEFITS OF THE GOVERNMENT. CORRECT?

3 A SHOULD NOT BE DENIED. YES.

4 Q AND THEY WOULD NOT RECEIVE LESSER SERVICES  
5 UNDER ANY PROGRAM RECEIVING FEDERAL OR STATE FINANCIAL  
6 ASSISTANCE. CORRECT?

7 A YES.

8 Q WE'VE ALREADY HAD MS. SWART TESTIFY THAT IT'S  
9 TRUE THAT DCFS RECEIVES MONEY THROUGH CDSS. CORRECT?

10 A CORRECT.

11 Q OKAY. NOW, YOU'RE AWARE OF THE FACT THAT AT  
12 SOME POINT IN TIME, MS. DUVAL FILED A COMPLAINT AGAINST  
13 FOUR SOCIAL WORKERS ARISING OUT OF HER DCFS CASE.  
14 CORRECT?

15 A CORRECT.

16 Q OKAY. LET'S DRAW YOUR ATTENTION TO THAT.  
17 BEFORE YOU, YOU SHOULD HAVE EXHIBIT 205, WHICH SHOULD  
18 BE YOUR RECORD. AND I CAN HELP YOU WITH THAT.

19 DO YOU HAVE IT, SIR?

20 A MM-HMM.

21 Q THANK YOU. PLEASE TAKE A MOMENT AND REVIEW  
22 THAT DOCUMENT, AND WHEN YOU'RE FINISHED, LET ME KNOW.

23 A OKAY.

24 Q NOW, THIS IS THE DISCRIMINATION COMPLAINT  
25 SUMMARY BY YOUR OFFICE REGARDING THE DUVAL MATTER. IS  
26 THAT CORRECT?

27 MS. SWISS: OBJECTION: LEADING.

28 THE COURT: SUSTAINED.

1 BY MR. PRAGER:

2 Q SIR, COULD YOU PLEASE TELL US -- WELL, FIRST  
3 OF ALL, IN FRONT OF YOU, DO YOU HAVE, IN THE UPPER  
4 RIGHT-HAND CORNER, A DOCUMENT WITH THE BATES  
5 NUMBER 2710?

6 A YES.

7 Q COULD YOU PLEASE DESCRIBE FOR US WHAT YOU'RE  
8 LOOKING AT WHEN YOU VIEW BATES NUMBER 2710?

9 A THIS IS A SUMMARY THAT WE NORMALLY HAVE IN THE  
10 FILE THAT WE KEEP ON THE CASE. AND WE KEEP CHRONOLOGY  
11 ON ONGOING ACTIONS WITH THAT CASE.

12 Q WHEN YOU SAY WE, DOES THAT MEAN CDSS AND THE  
13 CRB?

14 A YES.

15 Q THANK YOU. FROM YOUR REVIEW OF EXHIBIT 205,  
16 CAN YOU TELL US WHAT CATEGORIES MS. DUVAL COMPLAINED  
17 OF?

18 A ACCORDING TO THIS SHE COMPLAINED ABOUT RACE,  
19 NATIONAL ORIGIN, RELIGION, DISABILITY, AGE, MARITAL  
20 STATUS AND POLITICAL AFFILIATION, ACCORDING TO THIS  
21 DOCUMENT.

22 Q THANK YOU. DO YOU HAVE ANY INDEPENDENT  
23 RECOLLECTION OF THE DUVAL MATTER AT THIS TIME?

24 A IT'S DIFFICULT. IT'S BEEN SEVERAL YEARS NOW.

25 Q THANK YOU. SO IF YOU'RE RELYING ON THE  
26 DOCUMENT TO TESTIFY, JUST PLEASE INDICATE SO. OKAY?

27 A OKAY.

28 Q NOW, THERE'S A BOX TO THE LEFT OF THE BASIS.

1 DO YOU SEE THAT?

2 A YES.

3 Q IT HAS NUMBERS 17, 18, AND 19, AND 20. IS  
4 THAT CORRECT?

5 A CORRECT.

6 Q DOES THAT SUGGEST TO YOU WHAT SERVICES MAY  
7 HAVE DENIED TO MS. DUVAL AS ALLEGED BY HER COMPLAINT?

8 MS. SWISS: OBJECTION: LEADING.

9 THE COURT: SUSTAINED.

10 BY MR. PRAGER:

11 Q SIR, LET ME ASK YOU TO REVIEW BATES  
12 NUMBER 2710 IN THE COLUMN WHERE THERE ARE NUMBERS 17  
13 THROUGH 20. OKAY?

14 A OKAY.

15 Q DO YOU HAVE ANY UNDERSTANDING OF WHAT SERVICES  
16 MS. DUVAL ALLEGED SHE WAS DENIED IN HER COMPLAINT?

17 MS. SWISS: OBJECTION: LACKS FOUNDATION.

18 THE COURT: OVERRULED.

19 BY MR. PRAGER:

20 Q YOU MAY PROCEED.

21 A WHEN WE GET A CASE FROM AN ALLEGATION OF  
22 DISCRIMINATION, WE NORMALLY MARK 17 THROUGH 20 AS ITEMS  
23 IN THE AREA OF FAMILY SERVICES.

24 Q WOULD THAT INCLUDE FAMILY REUNIFICATION?

25 A 17 THROUGH 20 SHOULD, YES.

26 Q TO YOUR UNDERSTANDING, WHAT IS FAMILY  
27 REUNIFICATION?

28 A SERVICES GIVEN TO A FAMILY IN ORDER TO BRING

1 THEM BACK TOGETHER.

2 Q THANK YOU. DO YOU HAVE ANY UNDERSTANDING  
3 ABOUT THE PRINCIPAL ROLE OF CHILD WELFARE DEPARTMENTS  
4 AND THEIR OBLIGATION TO BRING FAMILIES BACK TOGETHER?

5 MS. SWISS: OBJECTION: LACKS FOUNDATION.

6 THE COURT: OVERRULED. IT'S CALLING FOR A YES  
7 OR NO ANSWER. IF YOU'RE ABLE TO ANSWER YES OR NO.

8 THE WITNESS: COULD YOU REPEAT?

9 MR. PRAGER: YOUR HONOR, COULD THE COURT  
10 REPORTER PLEASE READ THE QUESTION BACK?

11 THE COURT: YES. WE'LL ASK THE REPORTER TO  
12 READ THE QUESTION BACK.

13 (THE RECORD WAS READ AS REQUESTED)

14 THE WITNESS: I UNDERSTAND A BASIC  
15 UNDERSTANDING OF THE ROLES AND RULES TO GIVE -- BRING  
16 FAMILIES BACK TOGETHER. WE DON'T GET THAT INVOLVED  
17 WITH ALL THE INS AND OUTS.

18 BY MR. PRAGER:

19 Q THANK YOU. COULD YOU PLEASE GIVE US YOUR  
20 BASIC UNDERSTANDING IN THAT REGARD?

21 A I'M SURE THERE'S LAWS THAT GOVERN THE RULES TO  
22 BRING FAMILIES BACK TOGETHER. THEY MAKE THEM AVAILABLE  
23 TO FAMILIES. THE COUNTY MAKES SERVICES AVAILABLE TO  
24 BRING THEM BACK AS A GROUP IN ORDER TO COME BACK AS A  
25 FAMILY.

26 Q AND IF YOU WOULD, BRIEFLY EXPLAIN TO US HOW  
27 YOU GO ABOUT YOUR -- LET ME REPHRASE THAT. AS PART OF  
28 YOUR JOB, ARE THERE ANY ONGOING RESPONSIBILITIES TO

1       AUDIT, FOR EXAMPLE, DCFS?

2           A       AUDIT ONLY IN THE SENSE OF GOING IN AND DOING  
3       COUNTY AUDITS FOR ADA FOR PHYSICAL ACCESSIBILITY AND  
4       GENERAL DOCUMENTATION OF CASES.

5           Q       BY GENERAL DOCUMENTATION, DO YOU MEAN  
6       FOLLOWING THE STANDARDS TO DOCUMENT CASES AS SET FORTH  
7       IN TITLE 21?

8           A       YES.

9           Q       SO IT'S -- IS IT YOUR JOB TO ENSURE THAT ALL  
10       DCFS WORKERS ARE PROPERLY DOCUMENTING THEIR FILE IN  
11       ACCORDANCE WITH TITLE 21?

12          A       IT IS OUR RESPONSIBILITY TO OVERSEE AND GO AND  
13       DO AUDITS IN ORDER TO ADVISE THE COUNTY IF THERE'S A  
14       TREND.

15          Q       AND DOES YOUR OFFICE HAVE ANY POWER TO CORRECT  
16       ANY DEFICIENCIES YOU MIGHT FIND DURING ONE OF THESE  
17       INVESTIGATIONS OF DCFS?

18          A       NORMALLY, WHEN WE GO ON AN AUDIT, WE IDENTIFY  
19       THE PROBLEMS, WE FORMULATE A REPORT AND SEND IT TO  
20       THEM. WE DO NOT HAVE ACTIONS TO GET THEM TO CHANGE  
21       THINGS.

22          Q       HAVE YOU EVER HEARD OF A CORRECTIVE ACTION  
23       PLAN BEFORE?

24          A       YES.

25          Q       WHAT IS A CORRECTIVE ACTION PLAN?

26          A       THAT'S THE REPORT THAT'S NORMALLY -- WHEN WE  
27       SEND THEM THE AUDIT REPORT, THEY HAVE A CERTAIN AMOUNT  
28       OF TIME TO FORMULATE THEIR CORRECTIVE ACTIONS,

1 REPAIRING SOME ITEMS OR DOING SOME THINGS OR TRAINING  
2 OR WHATEVER.

3 AND THEY SUBMIT THAT REPORT BACK TO US FOR US  
4 TO REVIEW.

5 Q AND DID THE CORRECTIVE ACTION PLAN REQUIRE  
6 THAT THE COUNTY TAKE SOME ACTION TO CORRECT THE  
7 DEFICIENCIES THAT YOU OFFICE HAS IDENTIFIED?

8 A AGAIN, WE REVIEW THE REPORT FOR COMPLETION AND  
9 FOR OPEN ITEMS. WE DO NOT HAVE THAT DIRECT LINE TO  
10 TASK THEM TO DO THINGS.

11 Q WITH REGARD TO INDIVIDUAL INVESTIGATIONS SUCH  
12 AS MS. DUVAL'S. OKAY? DO YOU HAVE ANY UNDERSTANDING  
13 OF HOW THE PROCESS TO GET A CDSS COMPLAINT FILED  
14 BEGINS?

15 A YES, I DO.

16 Q COULD YOU PLEASE TELL US THAT, VERY BRIEFLY?

17 A TO BEGIN A COMPLAINT, BASICALLY, THE  
18 INITIAL -- INDIVIDUAL FILES A COMPLAINT, EITHER WITH  
19 THE COUNTY OR THE STATE. WE ASSIGN A CASE NUMBER TO  
20 TRACK THAT.

21 AND, YOU KNOW, THE COUNTY HAS TIMELY RESPONSE  
22 IN ORDER TO DO AN INVESTIGATION AND TALK TO ALL THE  
23 WITNESSES AND LOOK AT EVERYTHING INVOLVING THE CASE TO  
24 FORMULATE A REPORT TO SUBMITTAL TO US, CDSS.

25 Q THANK YOU. AND DOES CDSS HAVE THE FINAL  
26 DETERMINATION WHETHER TO ACCEPT OR REJECT THE COUNTY'S  
27 FINDINGS IN THAT REPORT?

28 A YES, WE DO.

1 Q IS IT AN ACCURATE STATEMENT THAT DCFS, FOR  
2 EXAMPLE, COULD NOT CLOSE A CIVIL RIGHTS INVESTIGATION  
3 UNLESS CDSS APPROVES THE FINDINGS OF THE INVESTIGATION?

4 MS. SWISS: OBJECTION: LACKS FOUNDATION,  
5 CALLS FOR SPECULATION.

6 THE COURT: OVERRULED.

7 THE WITNESS: CDSS HAS A RESPONSIBILITY TO  
8 REVIEW THE REPORT. AND IF THERE ARE ACTIVITIES IN THE  
9 REPORT OR THE INVESTIGATION, WE HAVE THE RESPONSIBILITY  
10 TO TASK THEM TO DO MORE.

11 BY MR. PRAGER:

12 Q AND WOULD YOU AGREE, SIR, THAT THAT  
13 REQUIREMENT IS SET FORTH IN REGULATION 21-203.82?

14 A I DON'T KNOW THE SPECIFIC REFERENCE, BUT  
15 THAT -- WE FOLLOW DIVISION 21.

16 Q OKAY.

17 MR. PRAGER: YOUR HONOR, MAY I APPROACH? I'M  
18 GOING TO GO AHEAD AND SHOW THE WITNESS WHAT'S BEEN  
19 MARKED AS EXHIBIT NUMBER 21, AND THE BATES NUMBER  
20 IS 21855. GO AHEAD AND READ THIS TO YOURSELF. DO NOT  
21 READ IT OUT LOUD.

22 THE WITNESS: OKAY.

23 BY MR. PRAGER:

24 Q YOU'VE HAD A CHANCE TO REVIEW THAT STATUTE.  
25 CORRECT?

26 A YES.

27 Q AND DO YOU HAVE AN UNDERSTANDING NOW ABOUT  
28 WHETHER IT'S TRUE OR NOT THAT THE CHILD WELFARE

1 DEPARTMENT CANNOT CLOSE ITS CASE WITHOUT APPROVAL BY  
2 CDSS?

3 A YES.

4 Q AND THAT WAS CORRECT ON THE NUMBER, 21-203.82.  
5 CORRECT?

6 A RIGHT. CORRECT.

7 Q OKAY. SO GOING BACK TO YOUR REPORT, WHICH  
8 WE'VE MARKED AS EXHIBIT 205, IN THE UPPER RIGHT-HAND  
9 CORNER IS THE ANALYST.

10 DO YOU SEE THAT?

11 A YES.

12 Q IT'S ON PAGE 2710.

13 A RIGHT.

14 Q AND WHO IS THE ANALYST IN THIS CASE?

15 A MYSELF.

16 Q VERY GOOD. NOW, THERE'S A SERIES OF COMMENTS  
17 AND ACTIONS ON THIS DOCUMENT.

18 DO YOU SEE THAT?

19 A YES, I DO.

20 Q ALL RIGHT. DO YOU KNOW WHO ENTERED THE  
21 WRITING ON THIS DOCUMENT?

22 A I DID.

23 Q OKAY. CAN YOU PLEASE TELL US THE FIRST ENTRY?

24 A "AUGUST 2ND, 2010. RECEIVED AN INITIAL CASE  
25 PACKAGE FOR REVIEW FROM COUNTY."

26 Q THANK YOU. AND WHAT IS THE NEXT ITEM?

27 A "SEPTEMBER 27, 2010. CASE REVIEWED. FURTHER  
28 INFORMATION REQUESTED FROM COUNTY. DRAFT COPY ON HAND.



1 FINAL DRAFT OF INVESTIGATION REPORT NEEDED."

2 Q SIR, BASED ON YOUR UNDERSTANDING, WHAT IS THE  
3 QUOTE "DRAFT" END QUOTE ON EXHIBIT 205 AT 2710 MEAN?

4 A FROM MY RECOLLECTIONS SEVERAL YEARS LATER, I  
5 BELIEVE THEY SENT THE REPORT THAT WAS NOT COMPLETE, AND  
6 I SENT IT BACK REQUESTING FOR MORE INFORMATION.

7 IT WAS -- I CALLED IT A DRAFT BECAUSE IT  
8 WASN'T -- DIDN'T LOOK LIKE IT WAS THE FINAL.

9 Q AND WE HAVE -- WE MAY HAVE A DIFFERENT BINDER  
10 FOR YOU, BUT LET ME DRAW YOUR ATTENTION TO EXHIBIT 226,  
11 IF I CAN.

12 A I DON'T HAVE THAT HERE.

13 Q IT'S BEHIND YOU. LET ME HELP YOU WITH THAT.  
14 LET ME GET A PAGE NUMBER FOR YOU. IT SHOULD BE --  
15 THERE SHOULD BE A BATES NUMBER THERE, 3111. IN THE  
16 UPPER RIGHT-HAND CORNER.

17 A I HAVE IT.

18 Q THANK YOU. PLEASE JUST TAKE ONE SECOND AND  
19 QUICKLY REVIEW THAT.

20 A THE COMPLETE DOCUMENT OR ONLY THAT PAGE?

21 Q WELL, YOU HAVE THE RIGHT TO REVIEW THE  
22 DOCUMENT, BUT I'LL JUST BE ASKING YOU SOME VERY  
23 SPECIFIC QUESTIONS.

24 IT'S TRUE THAT YOU RELIED ON THIS DOCUMENT IN  
25 REACHING YOUR CONCLUSIONS ABOUT THE DUVAL CASE.  
26 CORRECT?

27 A CORRECT.

28 Q AND THIS DOCUMENT WAS PROVIDED TO YOU BY

1 THE -- LET ME REPHRASE THAT. WAS THIS DOCUMENT  
2 PROVIDED TO YOU BY THE CIVIL RIGHTS UNIT OF DCFS?

3 A YES.

4 Q DID THIS DOCUMENT OMIT A RECOMMENDATION FOR  
5 DISCIPLINE, TO YOUR KNOWLEDGE?

6 MS. SWISS: OBJECTION: LACKS FOUNDATION,  
7 CALLS FOR SPECULATION.

8 THE COURT: OVERRULED.

9 THE WITNESS: OTHER THAN LOOKING AT THIS  
10 DOCUMENT, I DO NOT RECOLLECT.

11 BY MR. PRAGER:

12 Q THANK YOU. AND YOU'RE WELCOME TO LOOK AT THE  
13 DOCUMENT. LET ME DO THIS: WE CAN MOVE ALONG. YOU'VE  
14 ALREADY FLIPPED SOME PAGES THROUGH THAT DOCUMENT.  
15 CORRECT?

16 A CORRECT.

17 Q AND IT'S TRUE THAT THERE ARE "DRAFT"  
18 WATERMARKS ON SOME OF THOSE PAGES. CORRECT?

19 A CORRECT.

20 Q LET ME DRAW YOUR ATTENTION BACK TO  
21 EXHIBIT 205, PAGE 2710. YOU'VE ALREADY TESTIFIED THAT  
22 ON 9/27/2010, THERE WAS A DRAFT COPY OF THE DOCUMENT.  
23 CORRECT?

24 A RIGHT. YES.

25 Q SIR, DID YOU ASK DCFS -- STRIKE THAT. SIR,  
26 DID YOU ASK THE CRU UNIT OF DCFS TO REMOVE THAT "DRAFT"  
27 WATERMARK YOU JUST REVIEWED ON ITS REPORT?

28 A I DON'T RECALL IF I ASKED THEM TO REMOVE THE

1 "DRAFT." I DID ASK THEM FOR A FINAL REPORT.

2 Q OKAY.

3 A SEEING THAT IT HAD "DRAFT" ON THERE, IT WASN'T  
4 FINAL.

5 Q THANK YOU. AND THE NEXT ENTRY DOWN ON  
6 EXHIBIT 205, PAGE 2710. CAN YOU JUST READ THAT US TO  
7 PLEASE?

8 A "SEPTEMBER 28, 2010. RECEIVED A FINAL DRAFT  
9 COPY OF THE INVESTIGATION REPORT WITHIN AN ADDENDUM."

10 Q OKAY. AND BELOW THAT, WHAT DOES YOUR NOTE  
11 SAY?

12 A "SEPTEMBER 28, 2010. REVIEWED CASE AND  
13 SUBMITTED FOR CLOSURE."

14 Q LET ME ASK YOU TO TURN THE PAGE TO BATES  
15 NUMBER 2711, IF YOU WILL. READY?

16 A YES.

17 Q CAN YOU PLEASE TELL US WHOSE HANDWRITING, IF  
18 YOU KNOW, IS ON THAT PAGE?

19 A THAT IS NOT MINE. THAT LOOKS LIKE  
20 MR. JAMES TOSHIMA'S (PH) WRITING.

21 Q WHO IS MR. JAMES TOSHIMA?

22 A HE IS THE -- MY SUPERVISOR AT THAT TIME.

23 Q AND THAT WAS SEPTEMBER 2010?

24 A RIGHT.

25 Q CAN YOU PLEASE READ INTO THE RECORD WHAT THIS  
26 VERY SHORT SENTENCE IS?

27 A "9/29/10. REVIEWED CASE. CONCUR. SIGNED  
28 CR9. CLOSED CASE."

1 Q WHAT IS A CR9?

2 A CR9 IS THE -- IS A LETTER. CR9 IS ACTUALLY  
3 THE SUMMARY THAT WE HAVE THAT WE SUBMIT HERE.

4 Q IF YOU TURN TO PAGE 2712, THERE'S A PHOTOCOPY  
5 OF A VERY DARK DOCUMENT. IS THAT CORRECT?

6 A CORRECT.

7 Q IS THIS THE CR9 FORM YOU WERE MENTIONING?

8 A NO. THIS IS A PRINTOUT -- THIS IS A PRINTOUT  
9 OF THE ONLINE CASE -- WE TRACK CASES ONLINE. THIS IS A  
10 PRINT OF THE SCREEN.

11 Q THANK YOU. SO ON THE CR9 FORM YOU MENTIONED A  
12 MOMENT AGO, WHERE IS THAT SENT?

13 A THE CR9, THIS BACK SHEET IS PART OF THE CR9.

14 Q I'M SORRY. WHICH SHEET ARE YOU REFERRING TO?

15 A I'M REFERRING TO THE DISCRIMINATION COMPLAINT  
16 SUMMARY.

17 Q OH, I'M SORRY. DO -- ARE YOU SUGGESTING THAT  
18 PERHAPS 2710 AND 2711 ARE THE SAME --

19 A YES.

20 Q -- FRONT AND BACK?

21 A YES, THEY ARE.

22 Q AND I APPRECIATE YOU'RE BEING HELPFUL. IF YOU  
23 GIVE US A MOMENT TO FINISH, OUR COURT REPORTER WOULD  
24 APPRECIATE IT. I'LL TRY AND PAY YOU SAME COURTESY.

25 I KNOW IT CAN BE DIFFICULT AT TIMES. OKAY.  
26 SO WHERE DOES THE CR9 FORM GO, IF ANYWHERE?

27 A THE CR9 GOES -- IT'S IN THE CASE FILE, ON THE  
28 RIGHT-HAND SIDE OF THE FILE. AGAIN, IT TRACKS ACTIONS

1 WITH THE CASE.

2 Q AND YOU ALSO MENTIONED THAT ON PAGE 2711, THE  
3 CASE WAS CLOSED. IS THAT CORRECT?

4 A YES.

5 Q AND THAT NOTATION WAS BY YOUR SUPERVISOR?

6 A RIGHT.

7 Q DO YOU HAVE AN UNDERSTANDING IF YOUR  
8 SUPERVISOR REVIEWED YOUR WORK BEFORE HE AGREED THAT  
9 THIS CASE SHOULD BE CLOSED?

10 A YES.

11 Q WHAT IS YOUR UNDERSTANDING?

12 A HE NORMALLY GOES THROUGH THE REPORT AND LOOKS  
13 AT ALL THE TESTIMONIALS, ALL THE EVIDENCE, AND HE  
14 EITHER CONCURS OR REQUESTS FOR ADDITIONAL INFORMATION.

15 Q AND THEN IS IT YOUR JOB TO GO BACK AND GET  
16 MORE INFORMATION FROM THE LOCAL CHILD WELFARE  
17 DEPARTMENT?

18 A IT IS, IF IT'S OPEN, YES.

19 Q OKAY. SO LET ME DRAW YOUR ATTENTION TO 2712.  
20 I KNOW IT'S A DARK PAGE, IT'S THIS COMPUTER PRINTOUT  
21 YOU JUST MENTIONED.

22 DO YOU HAVE THAT?

23 A YES.

24 Q OKAY. NOW, IN THE MIDDLE OF THE DOCUMENT,  
25 THERE IS SOME LANGUAGE. IT STARTS OUT, "SEVEN." DO  
26 YOU SEE THAT?

27 A YES.

28 Q COULD YOU PLEASE READ THAT TO US?

1           A       "SEVEN PROTECTED CLASSES, INDIVIDUAL'S  
2       DISABILITY RIGHT WAS DISCRIMINATED."

3           Q       WHAT DOES THAT MEAN TO YOU, SIR?

4           A       THAT BASED ON THE REPORT, THEY FOUND  
5       DISCRIMINATION ON THE BASIS OF DISABILITY.

6           Q       "THEY" BEING THE DCFS --

7           A       COUNTY, DCFS.

8           Q       OKAY. THANK YOU. SO IS IT CORRECT THAT THE  
9       PROTECTED CLASS SUBSTANTIATING A FINDING OF DISABILITY  
10       DISCRIMINATION WAS DONE BY THE CIVIL RIGHTS UNIT AT  
11       DCFS?

12          A       AT THE POINT OF REVIEW OF THE REPORT, THAT'S  
13       WHAT THEY FOUND. DISCRIMINATION.

14          Q       I'M SORRY. I COULDN'T HEAR THAT.

15          A       AT THE POINT OF REVIEW -- AT THE POINT OF  
16       SUBMITTING THAT FIRST REPORT, THEY FOUND DISABILITY  
17       DISCRIMINATION.

18          Q       THANK YOU. AND IS IT TRUE THAT YOUR  
19       DEPARTMENT INDEPENDENTLY REVIEWED THE WORK OF THE DCFS  
20       CIVIL RIGHTS UNIT TO ENSURE IT WAS THOROUGH?

21          A       YES.

22          Q       DID YOUR OFFICE ALSO REVIEW THAT WORK TO  
23       ENSURE IT WAS COMPLETE?

24          A       YES, FOR THE INFORMATION WE HAD AT THAT POINT  
25       IN TIME.

26          Q       THANK YOU. AND DID YOUR OFFICE ALSO REVIEW  
27       THAT TO MAKE SURE THE DOCUMENTS WERE ACCURATE?

28          A       YES.

1 Q DID YOUR OFFICE ALSO REVIEW THAT TO CONFIRM  
2 THAT YOUR OFFICE AGREED WITH THE FINDINGS OF THE DCFS  
3 CIVIL RIGHTS UNIT?

4 A YES.

5 Q AND YOU DID AGREE AT THE TIME THIS DOCUMENT  
6 WAS FILED. CORRECT?

7 A YES.

8 Q NOW, BELOW THAT, THERE'S SOME MORE LANGUAGE,  
9 COULD YOU READ THAT TO US PLEASE?

10 A "ADDENDUM TO INVESTIGATION REPORT 9/9/10.  
11 REFLECTS SOI S WILL BE DIRECTED TO TAKE CULTURAL  
12 SENSITIVITY TRAINING AND TRAINING IN BETTER  
13 DOCUMENTATION OF RECORDS IN A FACTUAL MANNER.

14 "SOI N WILL BE GIVEN TRAINING IN ACCURATE AND  
15 APPROPRIATE COURT REPORT DOCUMENTATION."

16 Q SO LET'S STOP AND BREAK THIS DOWN. AT THIS  
17 TIME, SOI MEANS SUBJECT OF INVESTIGATION. IS THAT  
18 CORRECT?

19 A YES.

20 Q AND THERE'S AN N THERE. CORRECT?

21 A YES.

22 Q DO YOU HAVE ANY UNDERSTANDING OF WHAT THE N  
23 MEANS?

24 A I DON'T RECALL.

25 Q OKAY. DO YOU HAVE THE -- WELL, LET ME DRAW  
26 YOUR ATTENTION TO ANOTHER DOCUMENT. PERHAPS WE CAN  
27 ANSWER THAT QUESTION FOR YOU.

28 LET ME DRAW YOUR ATTENTION TO EXHIBIT 219. IF

1 I CAN HELP YOU FIND IT, THE FIRST PAGE WILL BE BLANK.  
2 THERE YOU GO. TAKE A SECOND AND LOOK AT THAT.

3 DO YOU RECOGNIZE THIS DOCUMENT?

4 A SOMEWHAT. YES. OKAY.

5 Q THIS IS THE REPORT FROM THE CIVIL RIGHTS UNIT  
6 TO YOUR OFFICE. IS THAT CORRECT?

7 A CORRECT.

8 Q AND THIS IS CONFIRMING THAT MS. DUVAL --  
9 STRIKE THAT.

10 DOES THIS CONFIRM THAT MS. DUVAL WAS THE  
11 VICTIM OF DISCRIMINATION?

12 A YES, IT DOES.

13 Q BASED ON THE DOCUMENT IN FRONT OF YOU, WHAT IS  
14 YOUR UNDERSTANDING OF WHOM, IF ANYONE, DISCRIMINATED  
15 AGAINST MS. DUVAL?

16 A WELL, ACCORDING TO THIS INVESTIGATION REVIEW,  
17 "CB DUVAL SUFFERED A DELAY ON FR SERVICES. WAS  
18 DIFFERENTLY TREATED IN THE RECEIPT OF SERVICES AND WAS  
19 DENIED SOME DCFS SERVICES BECAUSE SHE IS A MEMBER OF A  
20 PROTECTED CLASS, DISABILITY."

21 THESE ARE WORDS FROM THE REPORT.

22 MS. SWISS: I WOULD ASK THAT THE WITNESS  
23 IDENTIFY WHERE HE'S READING FROM.

24 THE WITNESS: I'M READING FROM THE BATES  
25 DOCUMENT 003082, MIDDLE OF THE PAGE. IT IS MARKED.  
26 BY MR. PRAGER:

27 Q DOES THAT REPORT ALSO SUGGEST TO YOU THE  
28 NAME -- THE INDIVIDUAL OR INDIVIDUALS THAT CONDUCTED



1 THE DISCRIMINATION AGAINST MS. DUVAL?

2 A WHEN SOI NELSON DOCUMENTED IN COURT REPORTS,  
3 YES.

4 Q OKAY. IS THERE A DIFFERENT PERSON THERE ALSO  
5 IDENTIFIED ON THAT DOCUMENT?

6 A I DON'T SEE ANY OTHER NAME.

7 Q LET ME DRAW YOUR ATTENTION TO PAGE 3081, AND  
8 ASK YOU TO READ THE SECOND FULL PARAGRAPH UNDER  
9 "CONCLUSIONS."

10 A "THE INVESTIGATION DID NOT SUBSTANTIATE --"

11 Q YOU CAN JUST READ IT TO YOURSELF.

12 A OH, I'M SORRY.

13 Q THAT'S OKAY, MY BAD. SORRY.

14 A OKAY.

15 Q SIR, DO YOU NOW HAVE AN UNDERSTANDING OF THE  
16 NAME OF THE OTHER INDIVIDUAL THAT DISCRIMINATED AGAINST  
17 MS. DUVAL?

18 A THERE IS ANOTHER NAME, YES.

19 Q WHAT IS THAT PERSON'S NAME?

20 A SOI SCHEELE.

21 Q SCHEELE?

22 A SCHEELE.

23 Q THANK YOU. AND LET ME DRAW YOUR ATTENTION  
24 TO 205, THE FORM YOU'RE TALKING ABOUT, THE COMPUTER  
25 PRINTOUT AT PAGE 2712, IF WE COULD. LET ME KNOW WHEN  
26 YOU'RE READY.

27 A THIS FORM?

28 Q YES, SIR.

1           A     YES.  I'M READY.

2           Q     OKAY.  NOW IF WE GO BACK TO THE LANGUAGE  
3           THERE, IT DOES SAY -- OR, LET ME REPHRASE THAT.

4                     DOES IT SAY:  "ADDENDUM TO INVESTIGATION  
5           REPORT, 9/9/10?  REFLECTS SOI SCHEELE WILL BE DIRECTED  
6           TO TAKE CULTURAL SENSITIVITY TRAINING AND TRAINING IN  
7           BETTER DOCUMENTATION OF RECORDS IN A FACTUAL MANNER"?

8           A     YES.

9           Q     WHAT DOES THAT STATEMENT MEAN?

10          A     NOW I UNDERSTAND THAT IT REFERENCES THE ACTUAL  
11          WORKER.  THE ABBREVIATION.

12          Q     OKAY.  AND WHAT'S THE IMPORT OF THE SENTENCE?

13          A     THAT THE INVESTIGATION REPORTS THAT THIS  
14          PARTICULAR SCHEELE WORKER WILL BE DIRECTED TO TAKE  
15          CULTURAL SENSITIVITY TRAINING AND TRAINING IN BETTER  
16          COMMUNICATION OF RECORDS.  IT REFLECTS A FINDING.

17          Q     A POSITIVE FINDING?

18          A     IT REFLECTS A FINDING OF -- YES.  IN NEED OF  
19          ACTION.

20          Q     AND WHAT DO YOU MEAN BY IN NEED OF ACTION?

21          A     TRAINING.

22          Q     ON SOCIAL WORKER SCHEELE'S PART?

23          A     RIGHT.

24          Q     AND DID YOU HAVE ANY EXPECTATION AT THE TIME  
25          YOU FILED THAT DOCUMENT -- LET ME WITHDRAW THIS AND  
26          ASK:  DID YOU FILE THIS DOCUMENT YOURSELF?

27          A     FILED, WHAT DO YOU MEAN?

28          Q     IT'S A COMPUTER PROGRAM YOU MENTIONED,

1 CORRECT?

2 A YES.

3 Q DID YOU INPUT THE DATA FOR THIS FORM?

4 A YES, I DID.

5 Q AND DID YOU IN SOME WAY TRANSMIT IT TO A  
6 CENTRAL HUB OR SOME SERVER?

7 A OUR DATABASE IS BASICALLY A TRACKING LOG. WE  
8 KEEP IT FOR INFORMATION.

9 Q THANK YOU. WAS IT YOUR EXPECTATION WHEN YOU  
10 DRAFTED THIS DOCUMENT OR INPUT THE DATA, THAT SOI  
11 SCHEELE WOULD UNDERGO THE TRAINING WE JUST DISCUSSED?

12 A YES.

13 Q NOW, THERE'S A SECOND SENTENCE THERE.

14 CORRECT?

15 A CORRECT.

16 Q AND THAT'S SOI N, IS THAT CORRECT?

17 A CORRECT.

18 Q HAVING REVIEWED EXHIBIT 219, DO YOU NOW HAVE  
19 AN UNDERSTANDING OF WHAT SOI N MEANS?

20 A RIGHT.

21 Q WHAT'S YOUR UNDERSTANDING THAT?

22 A THAT IT REFERS TO WORKER NELSON.

23 Q AND WHAT, IF ANYTHING, DOES THIS DOCUMENT MAKE  
24 REFERENCE TO WORKER NELSON?

25 A IN REFERENCE TO THE DATABASE ENTRY IT STATES,  
26 "WILL BE GIVEN TRAINING IN ACCURATE AND APPROPRIATE  
27 COURT REPORT DOCUMENTATION."

28 Q TO YOUR KNOWLEDGE, WHAT DOES TRAINING IN

1 ACCURATE COURT REPORT DOCUMENTATION MEAN?

2 A IT MEANS THAT THE INDIVIDUAL WILL MOST LIKELY  
3 HAVE BEEN GIVEN REFAMILIARIZATION AS TO HOW TO FILE  
4 DOCUMENTS, INFORMATION.

5 Q THERE'S SOME WATER IF YOU'D LIKE. YOU CAN  
6 TAKE A MOMENT, HAVE SOME. OKAY. ARE YOU READY?

7 SO THERE WAS A POSITIVE FINDING THAT  
8 MS. NELSON DISCRIMINATED AGAINST MS. DUVAL. CORRECT?

9 A CORRECT.

10 Q OKAY. AT THE TIME THAT YOU FILED THIS REPORT  
11 OR YOU INPUT THE DATA, DID YOU HAVE AN EXPECTATION  
12 REGARDING THIS TRAINING BEING PERFORMED BY MS. NELSON?

13 A THE TRAINING BEING GIVEN TO MS. NELSON, YES.

14 Q LET ME REPHRASE THAT. I'M SORRY. IT WAS A  
15 BAD QUESTION.

16 DID YOU HAVE AN EXPECTATION AT THE TIME YOU  
17 ENTERED THIS INFORMATION THAT MS. NELSON WOULD UNDERGO  
18 ADDITIONAL TRAINING AS SET FORTH IN THE REPORT?

19 A YES.

20 Q AND WAS THIS INFORMATION COMMUNICATED TO  
21 SOMEONE?

22 A I DON'T UNDERSTAND. WOULD YOU REPHRASE?

23 Q ABSOLUTELY. I'M SORRY. WAS THIS INFORMATION  
24 ABOUT THE RETRAINING FOR MS. NELSON SENT TO THE CIVIL  
25 RIGHTS UNIT OR DCFS?

26 MS. SWISS: OBJECTION: VAGUE.

27 THE COURT: SUSTAINED.

28

1 BY MR. PRAGER:

2 Q LET ME REPHRASE IT AND ASK IT DIFFERENTLY.  
3 YOU'VE NOW DISCUSSED TWO POSITIVE FINDINGS REGARDING  
4 MS. DUVAL'S DISCRIMINATION COMPLAINT. CORRECT?

5 A CORRECT.

6 Q WHAT IS YOUR NORMAL PROCESS TO ENSURE  
7 CORRECTIVE ACTION ONCE YOUR OFFICE REACHES A FINDING OF  
8 POSITIVE DISCRIMINATION?

9 MS. SWISS: OBJECTION: MISSTATES THE  
10 TESTIMONY, LACKS FOUNDATION.

11 THE COURT: OVERRULED.

12 BY MR. PRAGER:

13 Q GO AHEAD AND ANSWER.

14 A BASIC STEPS. WE GET THE REPORT, WE REVIEW  
15 THE -- THE FINAL INVESTIGATION REPORT, WE EITHER CONCUR  
16 OR NON-CONCUR.

17 BY NON-CONCURRENCE, WE SEND IT BACK, WE TASK  
18 THE COUNTY TO GET MORE INFORMATION, AND THEY SEND US A  
19 REPORT, A FINAL REPORT. WE REVIEW IT.

20 WE LOOK AT THEIR CORRECTIVE ACTIONS, AND WE  
21 CONCUR WITH THE ACTIONS TO BE TAKEN AND SEND A FINAL  
22 LETTER BACK TO THE COUNTY.

23 Q IS THAT PROCESS CALCULATED TO ENSURE THAT  
24 DISCIPLINE OR TRAINING IS ACTUALLY PERFORMED BY THE  
25 LOCAL CIVIL RIGHTS OFFICE?

26 MS. SWISS: OBJECTION: LEADING.

27 THE COURT: OVERRULED.

28 THE WITNESS: WE -- WHEN WE SEND THE LETTER

1 BACK, IT IS UNDERSTOOD THAT THE CORRECTIVE ACTION WILL  
2 TAKE PLACE.

3 BY MR. PRAGER:

4 Q BY UNDERSTOOD, WHAT DO YOU MEAN?

5 A THAT THEY -- THE COUNTY INDICATES A  
6 RESPONSIBILITY TO DO THE TRAINING.

7 Q IN TERMS OF YOUR OFFICE, DO YOU HAVE TO REPORT  
8 YOUR DECISIONS TO ANY OTHER AUTHORITY?

9 MS. SWISS: OBJECTION: VAGUE AS TO DECISIONS.

10 MR. PRAGER: I'LL WITHDRAW IT, YOUR HONOR.

11 THE COURT: ALL RIGHT.

12 BY MR. PRAGER:

13 Q WHAT DO YOU CALL, FOR EXAMPLE, YOU'VE NOW  
14 TESTIFIED THAT MS. DUVAL HAS A POSITIVE FINDING OF  
15 DISCRIMINATION. CORRECT?

16 A CORRECT.

17 Q IN YOUR PARLANCE, IN YOUR LANGUAGE, WHAT DO  
18 YOU CALL THAT?

19 A A FINALIZATION OF INVESTIGATION.

20 Q OKAY.

21 A THE FINDINGS.

22 Q FINDINGS. THANK YOU. SO, ARE -- IS CDSS  
23 REQUIRED TO REPORT CDSS'S FINDINGS TO ANY OTHER  
24 GOVERNMENTAL BODY?

25 A NO.

26 Q DO YOU KNOW IF CDSS MUST REPORT ITS FINDINGS  
27 TO THE FEDERAL GOVERNMENT?

28 A NO.

1 Q I'M SORRY. YOU DON'T KNOW, OR NO, THEY DON'T  
2 HAVE TO?

3 A I'M SORRY?

4 Q YOU DON'T KNOW, OR NO, THEY DON'T HAVE TO?

5 A I DON'T KNOW.

6 Q OKAY. NOW, YOU WERE TRAINED, SIR, IN THE  
7 DEFINITION OF DISABILITY AS IT'S USED IN THE CONTEXT.  
8 CORRECT?

9 A YES.

10 Q AND IS IT TRUE THAT AN INDIVIDUAL WITH A  
11 DISABILITY CAN BE PHYSICAL OR MENTAL?

12 A YES.

13 Q AND THIS IS ALL PER YOUR TRAINING. RIGHT?

14 A RIGHT.

15 Q AND IS IT TRUE THAT A PERSON'S DISABILITY MUST  
16 AFFECT A MAJOR LIFE ACTIVITY?

17 A YES.

18 Q AND IS A MAJOR LIFE ACTIVITY SUCH AS -- IS  
19 WALKING A MAJOR LIFE ACTIVITY?

20 A YES.

21 Q LEARNING?

22 A YES.

23 Q SPEAKING?

24 A YES.

25 Q WORKING?

26 A ABILITY TO WORK.

27 Q AND IS IT TRUE THAT THERE HAS TO BE -- STRIKE  
28 THAT. TO HAVE A CLAIM FOR DISCRIMINATION, IS IT TRUE

1 THAT THE PERSON SUFFERING DISCRIMINATION MUST HAVE A  
2 HISTORY OF EITHER DISABLED OR BEING MISCLASSIFIED AS  
3 HAVING A DISABILITY?

4 A WHEN YOU MEAN HISTORY, YOU REFERENCE A DEAL OF  
5 TIME. SOMEONE COULD WALK IN THIS COURTROOM AND BE  
6 DISCRIMINATED ON THE SPOT. THERE'S NO HISTORY.

7 Q OKAY. IS IT ALSO TRUE THAT IF A PERSON IS  
8 MISCLASSIFIED AS BEING DISABLED, THEY CAN PRESENT A  
9 CLAIM EVEN THOUGH THEY ARE NOT DISABLED?

10 A RIGHT. IT'S DIFFERENT TYPES OF  
11 DISCRIMINATION.

12 Q OKAY. AND LET'S TRY AND BREAK THOSE DIFFERENT  
13 TYPES OF DISCRIMINATION DOWN. HAVE YOU HEARD THE TERM,  
14 "REGARDED AS HAVING AN IMPAIRMENT"?

15 A I'M SORRY. WOULD YOU REPEAT?

16 Q ABSOLUTELY. HAVE YOU HEARD THE TERM,  
17 "REGARDED AS HAVING AN IMPAIRMENT"?

18 A YES.

19 Q WHAT DOES THAT MEAN TO YOU?

20 A HAVING A -- THE INABILITY TO DO REGULAR  
21 ACTIVITY LIKE ANYBODY ELSE WHO IS HEALTHY.

22 Q IS IT TRUE THAT AN INDIVIDUAL MAY HAVE A  
23 PHYSICAL OR MENTAL IMPAIRMENT THAT DOES NOT  
24 SUBSTANTIALLY LIMIT A MAJOR LIFE ACTIVITY BUT THAT IS  
25 TREATED BY A GOVERNMENTAL AGENCY AS CONSTITUTING SUCH A  
26 LIMITATION, AND MAY THEREFORE BE DEEMED DISABLED UNDER  
27 THE STATUTES THAT YOU ENFORCE?

28 A YES.



1 Q IS IT TRUE THAT AN INDIVIDUAL THAT HAS A  
2 PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS  
3 MAJOR LIFE ACTIVITIES ONLY AS THE RESULT OF ATTITUDES  
4 OF OTHERS TOWARDS THAT IMPAIRMENT CAN MAKE THEM A  
5 DISABLED PERSON UNDER THE STATUTE?

6 MS. SWISS: I'M GOING TO OBJECT AS LEADING.  
7 CALLING FOR LEGAL CONCLUSION AS TO WHAT THE STATUTE  
8 SAYS.

9 MR. PRAGER: I'LL WITHDRAW IT AND REPHRASE IT,  
10 YOUR HONOR.

11 THE COURT: ALL RIGHT.

12 BY MR. PRAGER:

13 Q BASED ON YOUR TRAINING. OKAY? ARE YOU  
14 TRAINED THAT AN INDIVIDUAL WITH A PHYSICAL OR MENTAL  
15 IMPAIRMENT THAT SUBSTANTIALLY LIMITS MAJOR LIFE  
16 ACTIVITIES, ONLY AS THE RESULT OF ATTITUDES OF OTHERS  
17 TOWARDS SUCH AN IMPAIRMENT, IS A DISABLED PERSON?

18 A QUESTION IS CONFUSING.

19 Q SURE.

20 A IF IT'S A -- YES.

21 Q DO YOU RECALL BEING TRAINED ON CALIFORNIA DSS  
22 POLICY 21-104?

23 A I VAGUELY RECALL, YES.

24 Q YOU HAVE A LOT OF POLICIES TO BE AWARE OF.  
25 RIGHT?

26 A RIGHT.

27 Q HAVING BEEN ASKED THAT, DOES IT REFRESH YOUR  
28 RECOLLECTION REGARDING WHETHER OR NOT A PERSON WHO HAS

1 A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY  
2 LIMITS A MAJOR LIFE ACTIVITY ONLY AS A RESULT OF OTHERS  
3 QUALIFIES THEM AS BEING DISABLED UNDER YOUR TRAINING?

4 A YES.

5 Q AND I'M SORRY. IS THAT -- YOU'RE TESTIFYING  
6 THAT YOU HAVE THE UNDERSTANDING. WAS THAT AN ACCURATE  
7 STATEMENT?

8 A IT -- IT'S A BIT VAGUE, BUT YES.

9 Q OKAY. AND AS PART OF YOUR TRAINING, WERE YOU  
10 EVER TRAINED THAT HAVING NONE OF THE IMPAIRMENTS  
11 DEFINED AS SUBSTANTIALLY LIMITING A MAJOR LIFE  
12 ACTIVITY, BUT HAVING BEEN TREATED BY AN AGENCY AS  
13 HAVING SUCH AN IMPAIRMENT, MAKES A PERSON DISABLED  
14 UNDER THE STATUTES THAT YOU ENFORCE?

15 A I DON'T UNDERSTAND THAT QUESTION.

16 Q OKAY. LET ME GO AHEAD AND APPROACH. I'M  
17 GOING TO SHOW THE WITNESS EXHIBIT 721, BATES  
18 NUMBER 21836.

19 AND I'LL ACTUALLY GIVE THE WITNESS THE FULL  
20 POLICY STARTING AT 21835. TAKE A LOOK AT THOSE AND LET  
21 ME KNOW WHEN YOU'RE READY.

22 A OKAY.

23 Q THANK YOU. SIR, YOU'VE HAD A CHANCE TO REVIEW  
24 POLICY NUMBER 21-104. CORRECT?

25 A CORRECT.

26 Q SO LET'S MAKE SURE WE'RE CLEAR. IS IT TRUE  
27 THAT A PERSON IS REGARDED AS HAVING AN IMPAIRMENT ONCE  
28 THEY HAVE A PHYSICAL IMPAIRMENT THAT DOES NOT

1 SUBSTANTIALLY LIMIT THE MAJOR LIFE ACTIVITY BUT THAT IS  
2 TREATED BY THE AGENCY AS CONSTITUTING SUCH A LIMITATION  
3 PURSUANT TO YOUR TRAINING?

4 MS. SWISS: OBJECTION: LEADING, CALLS FOR A  
5 LEGAL CONCLUSION.

6 THE COURT: SUSTAINED.

7 BY MR. PRAGER:

8 Q OKAY. AS PART OF YOUR JOB, DO YOU HAVE TO  
9 DETERMINE IF SOMEONE IS A QUALIFIED INDIVIDUAL UNDER  
10 THE STATUTES YOU ENFORCE?

11 A QUALIFIED IN WHAT SENSE?

12 Q THAT THEY MEET THE CHARACTERISTICS. FOR  
13 EXAMPLE, IF I WAS A MALE SAYING I DIDN'T GET A JOB  
14 BECAUSE OF GENDER DISCRIMINATION BECAUSE I'M A MAN,  
15 YOU'D HAVE TO CONFIRM I WAS A MAN. CORRECT?

16 A CORRECT.

17 Q AND IF I WAS FEMALE SAYING I DIDN'T GET A JOB  
18 BECAUSE I WAS A WOMAN, YOU'D HAVE TO CONFIRM I WAS A  
19 WOMAN. RIGHT.

20 A RIGHT.

21 Q OKAY. SO IN YOUR JOB, YOU INVESTIGATE  
22 DISABILITY-BASED DISCRIMINATION. IS THAT CORRECT?

23 A I NORMALLY GET INFORMATION FILED BY THE  
24 INDIVIDUAL THROUGH THE COUNTY OR DIRECTLY TO US.

25 WE ARE NOT DIRECTLY RESPONSIBLE FOR CONFIRMING  
26 WHETHER THE INDIVIDUAL IS MENTALLY INCAPACITATED,  
27 PHYSICALLY UNABLE. WE REFER BACK TO THE COUNTY TO DO  
28 THE INVESTIGATION.

1 Q RIGHT. PURSUANT TO THIS POLICY, 21-104,  
2 HOWEVER, IS IT TRUE THAT A PERSON CAN BE REGARDED AS  
3 HAVING AN IMPAIRMENT WHEN AN AGENCY TREATS THEM AS IF  
4 THEY'RE DISABLED WHEN THEY'RE NOT?

5 MS. SWISS: OBJECTION: CALLS FOR A LEGAL  
6 CONCLUSION, NO FOUNDATION.

7 THE COURT: SUSTAINED.

8 BY MR. PRAGER:

9 Q IS IT TRUE THAT A PERSON CAN BE PERCEIVED AS  
10 DISABLED WHEN THEY ARE NOT DISABLED, MAKING THEM A  
11 QUALIFIED INDIVIDUAL UNDER THE STATUTE?

12 MS. SWISS: OBJECTION: CALLS FOR A LEGAL  
13 CONCLUSION.

14 THE COURT: SUSTAINED.

15 BY MR. PRAGER:

16 Q YOU REVIEWED MS. HOCHSTEIN'S REPORT THERE AT  
17 EXHIBIT 219. CORRECT?

18 A I'M SORRY? WHAT NUMBER.

19 Q 219.

20 A YES.

21 Q AND IF YOU WOULD, PLEASE TURN TO THE  
22 CONCLUSIONS OF THAT REPORT.

23 A OKAY.

24 Q YOU'VE HAD A CHANCE TO LOOK AT THE  
25 CONCLUSIONS?

26 A I HAVE REVIEWED QUICKLY. YES.

27 Q OKAY. YOU CAN TAKE A SECOND TO REVIEW IT  
28 AGAIN IF YOU NEED TO.

1           A     OKAY.

2           Q     IT'S TRUE THAT THE INVESTIGATOR WAS -- LET ME  
3     REPHRASE THAT.   WAS THE INVESTIGATOR THERE,  
4     MICHELLE HOCHSTEIN?

5           A     YES.

6           Q     LOOKING AT THE CONCLUSION OF THE REPORT, WHICH  
7     SHOULD BE AT BATES STAMP AROUND 3082, IS IT CORRECT  
8     THAT MS. HOCHSTEIN MADE REFERENCE TO MS. DUVAL BEING  
9     PERCEIVED AS A PERSON SUFFERING MUNCHAUSEN'S BY PROXY  
10    WHEN SHE WAS NEVER DIAGNOSED WITH MUNCHAUSEN'S BY  
11    PROXY?

12          A     YES.

13          Q     YOU REVIEWED THIS FINDING.   CORRECT?

14          A     RIGHT.

15          Q     AT THE TIME YOU REVIEWED THE FINDING, DID YOU  
16    AGREE WITH IT?   LET ME WITHDRAW THAT QUESTION, AND I'LL  
17    REPHRASE IT.

18                    YOU'VE ALREADY TESTIFIED THAT YOUR DEPARTMENT  
19    REVIEWED THE AUGUST 2ND, 2010, REPORT AND AGREED WITH  
20    THE FINDINGS.   IS THAT CORRECT?

21          A     CORRECT.

22          Q     IS IT TRUE -- YOU'VE ALREADY -- STRIKE THAT.  
23    IS IT TRUE THAT YOUR SUPERVISOR, LIKEWISE, REVIEWED  
24    MS. HOCHSTEIN'S FINDINGS AND AGREED WITH THEM?

25          A     YES.

26          Q     AND THEN, IS IT TRUE THAT THEN, AND ONLY AFTER  
27    THEN, YOUR DEPARTMENT SUSTAINED THE FINDING OF  
28    DISABILITY-BASED DISCRIMINATION?

1 MS. SWISS: OBJECTION: LACKS FOUNDATION,  
2 VAGUE AS TO SUSTAINED.

3 THE COURT: OVERRULED.

4 BY MR. PRAGER:

5 Q YOU CAN ANSWER, SIR. YOU CAN ANSWER.

6 THE COURT: IF YOU UNDERSTAND IT.

7 THE WITNESS: I DON'T UNDERSTAND IT.

8 BY MR. PRAGER:

9 Q OKAY. I'M SIMPLY ASKING THAT, BEFORE YOUR  
10 OFFICE SUBSTANTIATED THE DISCRIMINATION CLAIM FOR  
11 MS. DUVAL, YOU REVIEWED MS. HOCHSTEIN'S REPORT. IS  
12 THAT CORRECT?

13 A CORRECT.

14 MS. SWISS: OBJECTION: LACKS FOUNDATION.

15 THE COURT: OVERRULED.

16 BY MR. PRAGER:

17 Q AND YOU'RE ALSO PERSONALLY AWARE OF THE FACT  
18 YOUR SUPERVISOR APPROVED MS. HOCHSTEIN'S REPORT. IS  
19 THAT CORRECT?

20 A CORRECT.

21 Q AND YOUR OFFICE AGREED WITH THE UNDERLYING  
22 CIVIL RIGHTS UNIT'S INVESTIGATION THAT MS. DUVAL WAS  
23 THE VICTIM OF DISABILITY-BASED DISCRIMINATION  
24 PREDICATED UPON THE PERCEPTION THAT SHE WAS A DISABLED  
25 PERSON. IS THAT CORRECT?

26 A CORRECT.

27 Q IN YOUR DEPOSITION, YOU LEARNED THAT THERE  
28 WERE ADDITIONAL ADDENDUMS TO THE AUGUST 2ND, 2010,

1 FINDING. IS THAT CORRECT?

2 A YES.

3 Q LET'S BACK UP AND DO IT THIS WAY: THIS REPORT  
4 WAS FILED IN AUGUST 2010. CORRECT?

5 A I CAN'T CONFIRM IT 100 PERCENT BECAUSE THE  
6 INVESTIGATION STARTED IN 2009.

7 Q OKAY. THANK YOU. LOOKING AT EXHIBIT 205,  
8 HOWEVER, YOU ARE CLEAR, FROM YOUR NOTES THERE, THAT  
9 YOUR OFFICE CLOSED ITS INVESTIGATION IN SEPTEMBER 2010.  
10 CORRECT?

11 A RIGHT.

12 Q NOW, AT SOME POINT IN TIME, DID YOU LEARN THAT  
13 THE CIVIL RIGHTS OFFICE FOR DCFS SENT YOU AN AMENDED  
14 REPORT ON OR ABOUT SEPTEMBER 9, 2010?

15 A NO, I DON'T.

16 Q IF YOU LOOK AT EXHIBIT 205 FOR A SECOND, AT  
17 THE COMPUTER PRINTOUT, THERE'S A REFERENCE TO  
18 SEPTEMBER 9, 2010.

19 DO YOU SEE THAT?

20 A WAIT.

21 Q I'M PLACING BEFORE THE WITNESS DEFENSE  
22 EXHIBIT 1018, WHICH HAS A BATES STAMP OF 1018.1 ON IT.  
23 PLEASE TAKE A LOOK AT THAT, AND LET ME KNOW WHEN YOU'RE  
24 READY TO PROCEED.

25 A OKAY.

26 Q YOU READY?

27 A MM-HMM.

28 Q THANK YOU. THIS WAS AN ADDENDUM THAT WAS

1 SENT -- OR WAS THIS AN ADDENDUM SENT FROM DCFS'S CIVIL  
2 RIGHTS UNIT TO YOUR OFFICE ON OR ABOUT  
3 SEPTEMBER 9, 2010?

4 A OKAY.

5 Q AND WHEN YOU LOOK AT 205 THERE, WITH THE DATA  
6 YOU INPUTTED, DOES THAT REFERENCE THE 9/9/10 REPORT?

7 A IT DOES.

8 Q DOES THAT SUGGEST TO YOU THAT AT THE TIME YOU  
9 ENTERED THE DATA IN EXHIBIT 205, YOU HAD READ DEFENSE  
10 EXHIBIT 1018 BEFORE YOU?

11 A IF THIS IS ONE OF THE TWO ADDENDUMS THAT  
12 CHANGES THE RESULTS OF THE INITIAL REPORT, THE ENTRY  
13 HERE, OUR ONLINE FILE IS AN ONGOING DATA ENTRY FILE.

14 SO THAT DOESN'T NECESSARILY MEAN IT WAS  
15 ENTERED AT THE TIME WE GOT THE REPORT. IT WAS AT THE  
16 TIME THAT THEY WERE DISCOVERED.

17 Q UNDERSTOOD. AND I THINK YOU'RE REFERRING  
18 TO -- OR ARE YOU REFERRING TO THE DECEMBER 10, 2010  
19 SECOND AMENDED REPORT AND THE JANUARY 7, 2011, FINAL  
20 AMENDED REPORT?

21 A I BELIEVE SO, YES.

22 Q BECAUSE, SIR, FROM YOUR PAPER, YOU KNOW THAT  
23 YOU CLOSED THE INVESTIGATION ON OR ABOUT  
24 SEPTEMBER 28, 2010. CORRECT?

25 A RIGHT.

26 Q AND THAT REPORT WAS RECEIVED -- OR ALLEGEDLY  
27 SENT ON OR ABOUT SEPTEMBER 9. YOUR INVESTIGATION WAS  
28 NOT CLOSED YET, WAS IT, BY SEPTEMBER 9, 2010?



1           A       WELL, ACCORDING TO THIS ENTRY, IT WAS CLOSED  
2       ON 9/29/10.

3           Q       OKAY.  SO LET ME ASK YOU ABOUT THE CONCLUSION  
4       OF THE REPORT, UNDER EXHIBIT 1018.  LET ME ASK YOU TO  
5       READ PAGE 1018.3 TO YOURSELF FOR A SECOND.  AND ASK YOU  
6       TO LOOK AT THE BOTTOM PARAGRAPH.

7           A       THE BOTTOM PARAGRAPH?

8           Q       YES.

9           A       "THE INVESTIGATION IS --"

10          Q       JUST READ IT TO YOURSELF.

11          A       OH, I'M SORRY.

12          Q       IT'S OKAY.

13          A       OKAY.

14          Q       SIR, BASED ON YOUR REVIEW OF EXHIBIT 1018, DO  
15       YOU NOW HAVE AN UNDERSTANDING OF WHAT THE DCFS CIVIL  
16       RIGHTS UNIT TOLD CDSS ABOUT THE DUVAL COMPLAINT ON  
17       SEPTEMBER 9TH, 2010?

18          A       YES.

19          Q       IS IT TRUE THAT AS OF SEPTEMBER 9TH, 2010, THE  
20       DCFS CIVIL RIGHTS UNIT TOLD THE CIVIL RIGHTS BUREAU, OR  
21       CDSS, THAT MS. DUVAL WAS STILL THE VICTIM OF  
22       DISABILITY-BASED DISCRIMINATION?

23          A       YES.

24          Q       AND WE MENTIONED YOU WERE DEPOSED IN 2014.  
25       CORRECT?  I'M SORRY.  WITHDRAWN.  YOU WERE DEPOSED  
26       IN 2015.  CORRECT?

27          A       YES.

28          Q       DO YOU RECALL BEING ASKED AT YOUR DEPOSITION

1 IF THE DUVAL CASE WAS CLOSED OR OPEN AS OF, SAY,  
2 OCTOBER 1ST, 2010?

3 I CAN REPHRASE THAT FOR YOU, IF YOU LIKE.  
4 I'LL WITHDRAW IT AND REPHRASE IT. IS IT TRUE THAT FROM  
5 CDSS'S PERSPECTIVE, MS. DUVAL'S COMPLAINT IS CLOSED  
6 NOW?

7 A YES.

8 Q IS IT TRUE, FROM CDSS'S PERSPECTIVE, THAT AT  
9 THE TIME MS. DUVAL'S COMPLAINT WAS CLOSED, SHE WAS  
10 FOUND TO HAVE SUFFERED DISABILITY-BASED DISCRIMINATION?

11 A YES.

12 Q HAVE YOU EVER LEARNED THAT THE DCFS CIVIL  
13 RIGHTS UNIT FILED A LATER ADDENDUM SEEKING TO CHANGE  
14 THE CONCLUSION THAT MS. DUVAL WAS A VICTIM OF  
15 DISABILITY-BASED DISCRIMINATION?

16 A I WAS NOT AWARE OF THE ADDENDUMS UNTIL THE END  
17 OF 2014.

18 Q OKAY. SO LET'S BACK UP. WE TOOK YOUR  
19 DEPOSITION IN EARLY 2015. IS THAT CORRECT?

20 A RIGHT.

21 Q YOUR FILE -- STRIKE THAT. CDSS'S CASE FOR  
22 MS. DUVAL CLOSED IN 2010. CORRECT?

23 A CORRECT.

24 Q AT THAT TIME, WHAT HAPPENED TO THE CDSS FILE?

25 A THE CASE FILE WAS FILED, AND THE ONLINE  
26 TRACKING SUMMARIZED THE ACTIONS UP TO THAT POINT, AND  
27 IT WAS CLOSED ONLINE ALSO.

28 Q AM I TO UNDERSTAND THAT AFTER SEPTEMBER 2010,

1 THE CDSS FILE WAS CLOSED?

2 A YES.

3 Q PHYSICALLY, IS THERE A PHYSICAL FILE FOR THE  
4 DUVAL CASE?

5 A YES.

6 Q ONCE CDSS CLOSED ITS FILE, WHERE, IF ANYWHERE,  
7 DID THE PHYSICAL FILE GO?

8 A PHYSICAL FILE IS KEPT WITH ALL SUPPORTING  
9 DOCUMENTS IN THE CONFIDENTIAL STORED FILING CABINET.

10 Q ARE YOU AWARE OF A LATER ENACTED AMENDMENT BY  
11 DCFS CIVIL RIGHTS UNIT REGARDING MS. DUVAL'S  
12 DISCRIMINATION COMPLAINTS?

13 A I WAS ONLY MADE AWARE OF IT LATE 2014.

14 Q IS IT TRUE THAT YOU LEARNED OF THIS LATER  
15 AMENDMENT WHEN YOU WERE BEING PREPARED FOR YOUR  
16 DEPOSITION?

17 A I LEARNED ABOUT IT WHEN I WAS ADVISED THAT  
18 THERE WAS AN ATTORNEY ON FILE, THAT, YOU KNOW, I WASN'T  
19 PREPARED. I WAS ADVISED THAT THERE WAS SOMETHING  
20 THERE. AND I -- YES.

21 Q IS IT ACCURATE THAT, BETWEEN 2010 AND PRIOR TO  
22 THIS EVENT YOU'RE TALKING ABOUT IN 2014, YOU WERE  
23 UNAWARE OF ANY AMENDMENT TO THE DUVAL DISCRIMINATION  
24 MATTER?

25 A I WAS UNAWARE.

26 Q AND ONCE YOU LEARNED OF THE SECOND AMENDED  
27 REPORT REGARDING THE DUVAL MATTER, DID THAT CHANGE  
28 CDSS'S FINDINGS REGARDING THE DUVAL MATTER?

1 A NO.

2 Q TODAY THE FILE IS STILL CLOSED?

3 A RIGHT.

4 Q AT SOME POINT IN TIME, DID YOU LEARN THERE WAS  
5 YET ANOTHER AMENDMENT REGARDING THE DUVAL  
6 DISABILITY-BASED CLAIM?

7 A AGAIN, LIKE THAT FIRST AMENDMENT, I ONLY KNEW  
8 ABOUT IT LATE 2014.

9 Q IS IT YOUR TESTIMONY THAT YOU LEARNED ABOUT  
10 THE SECOND AMENDMENT TO THE DCFS CIVIL RIGHTS UNIT  
11 REPORT AT THE SAME TIME YOU LEARNED OF THE FINAL  
12 AMENDMENT TO THE DCFS CIVIL RIGHTS REPORT?

13 A YES.

14 Q AND, AGAIN, WAS THE -- WAS YOUR DEPOSITION THE  
15 EVENT THAT CAUSED YOU TO LEARN OF THESE NEW REPORTS?

16 A YES.

17 Q HAVING LEARNED OF THE JANUARY 7, 2011, FINAL  
18 AMENDED REPORT, HAS DCFS (SIC) CHANGED ITS CONCLUSION  
19 REGARDING THE DUVAL CIVIL RIGHTS DISABILITY COMPLAINTS?

20 A NO.

21 Q IS IT TRUE THAT TODAY, EVEN AFTER REVIEWING  
22 THE FINAL AMENDED DCFS CIVIL RIGHTS UNIT REPORT, YOUR  
23 OFFICE CONTINUES TO REGARD MS. DUVAL AS HAVING SUFFERED  
24 DISABILITY-BASED DISCRIMINATION?

25 A I NEVER -- OR THE DEPARTMENT OF SOCIAL  
26 SERVICES HAS NEVER HAD THE OPPORTUNITY TO FULLY REVIEW  
27 THOSE TWO AMENDMENTS. SO IT'S STILL THE SAME.

28 Q SHE IS THE VICTIM OF DISCRIMINATION?

1 MS. SWISS: OBJECTION: LACKS FOUNDATION.

2 THE COURT: SUSTAINED.

3 BY MR. PRAGER:

4 Q FROM THE PERSPECTIVE OF CDSS, MS. DUVAL IS  
5 STILL THE VICTIM OF DISABILITY-BASED DISCRIMINATION AT  
6 THIS TIME?

7 MS. SWISS: OBJECTION: LACKS FOUNDATION,  
8 VAGUE.

9 THE COURT: SUSTAINED AS TO VAGUENESS.

10 BY MR. PRAGER:

11 Q SIR, IS IT TRUE THAT THE JANUARY 2011 FINAL  
12 AMENDED REPORT DID NOT CHANGE CDSS'S FINDING REGARDING  
13 THE DUVAL DISCRIMINATION COMPLAINT?

14 MS. SWISS: OBJECTION: LACKS FOUNDATION.

15 THE COURT: WE'RE GOING TO HAVE TO TAKE A  
16 RECESS. TAKE APPROXIMATELY 10 MINUTES. ALL JURORS,  
17 PLEASE REMEMBER THE ADMONITION.

18 (JURY EXCUSED)

19 THE COURT: ALL RIGHT. WE'RE ON THE RECORD.  
20 COUNSEL ARE PRESENT. JURORS LEFT THE COURTROOM.  
21 WHAT'S THE FOUNDATION THAT THIS LACKS? THE LAST  
22 QUESTION?

23 MS. SWISS: THE FOUNDATION THAT THIS QUESTION  
24 LACKS IS THE WITNESS HAS NOT ESTABLISHED THAT CDSS HAS  
25 MADE A FINDING OF ANY KIND. THEY TAKE --

26 THE COURT: I'VE HEARD ENOUGH. THAT'S MY VIEW  
27 ALSO. THE OBJECTION IS SUSTAINED. YOU ARE ATTRIBUTING  
28 CONCLUSIONS TO CDSS THAT HAVE NOT APPEARED IN ANY OF

1 THE EXHIBITS THAT YOU HAVE BEEN REFERRING TO.

2 THE COUNTY MAKES CERTAIN FINDINGS. REPORTS  
3 THEM TO THEM. I DON'T THINK THERE'S ANYTHING THAT  
4 ESTABLISHES THAT THEY THEN MAKE A FINDING.

5 WHAT THEY DO IS MAKE A DETERMINATION WHETHER  
6 THEY HAVE RECEIVED SUFFICIENT REPORTING. AND IF THEY  
7 HAVE RECEIVED SUFFICIENT REPORTING, THEN THEY APPROVE  
8 OR RECEIVE AND MAKE THE -- THIS COMPLAINT, AND THEY  
9 HAVE A FILE OF IT.

10 BUT AS HE'S TESTIFIED, THEY DON'T INVESTIGATE.  
11 ALL THEY DO IS RECEIVE DOCUMENTS. AND SO THERE'S NO  
12 BASIS THAT I'VE HEARD SO FAR FOR ANYONE TO SAY THAT  
13 THEY MADE A FINDING.

14 THEY SIMPLY RECEIVED REPORT, IT MET THEIR  
15 REPORTING REQUIREMENTS, AND IT WAS ACCEPTED. SO THAT'S  
16 THE RULING. YOU CAN TAKE A LOOK AT IT AND DECIDE WHAT  
17 YOU WANT TO DO ABOUT THAT. BUT I AGREE WITH THE  
18 OBJECTION FOR REASONS I'VE STATED.

19 MR. GUTERRES: THANK YOU, YOUR HONOR.

20 MS. SWISS: THANK YOU, YOUR HONOR.

21 MR. PRAGER: OKAY.

22 (PAUSE IN THE PROCEEDINGS)

23 THE COURT: BACK ON THE RECORD. COUNSEL ARE  
24 PRESENT. WE'RE OUTSIDE THE PRESENCE OF THE JURORS, WHO  
25 I DON'T NEED YET. I ALSO WANT TO ADD FURTHER -- TO MY  
26 RULING.

27 I WOULD NOT PERMIT, IF YOU WANT TO PURSUE THIS  
28 WITH THE WITNESS, I CAN TELL YOU I WILL NOT PERMIT

1 TESTIMONY ABOUT A FINDING BY CDSS. IT'S FOR THE JURY  
2 TO DECIDE WHETHER OR NOT A VIOLATION OF RIGHTS  
3 OCCURRED.

4 AND AS I'VE STATED -- NEITHER THE TESTIMONY  
5 NOR THE DOCUMENTS INDICATE ANY KIND OF HEARING IN WHICH  
6 THERE'S REPRESENTATION BY COUNSEL AND THE OPPORTUNITY  
7 TO PRESENT EVIDENCE ET CETERA THAT COULD POSSIBLY BE  
8 THE BASIS OF A FINDING BY THEM.

9 WHAT THEY DO, AS I UNDERSTAND THE WITNESS'S  
10 TESTIMONY, AS WELL AS LOOK AT THE DOCUMENTS, IS MAKE  
11 SURE THAT THE REPORTING AGENCY HAS DONE THEIR JOB. AND  
12 IF SO, THEY ACCEPT THE REPORT.

13 IF NOT, AS HE'S INDICATED, THEY WOULD SEND  
14 BACK INDICATING SOMETHING THAT THEY THINK IS DEFICIENT  
15 ABOUT THE REPORT. BUT IT'S FOR THE JURY TO DECIDE  
16 WHETHER DISCRIMINATION OCCURRED.

17 I'VE PERMITTED THE TESTIMONY ABOUT THE  
18 REPORTING TO THEM BY THE COUNTY, BECAUSE THAT'S A  
19 DIFFERENT PROPOSITION. AND THE COUNTY, REGARDLESS OF  
20 THEIR PROCESS, BEING A PARTY, WHAT THEY REPORT THAT  
21 THEY HAVE FOUND REPRESENTS AN ADMISSION.

22 THAT'S A WHOLE DIFFERENT BASIS FOR RECEIVING  
23 THAT EVIDENCE. BUT I DO NOT AT ANY TIME INTEND, EITHER  
24 IN THIS CASE OR ANY OTHER CASE -- I SHOULD NEVER SAY  
25 NEVER -- BUT WHAT SOMEONE ELSE HAS FOUND INVADES THE  
26 PROVINCE OF THE JURY.

27 AND THE ONLY TIME WHEN A FINDING COULD BECOME  
28 BINDING ON A PARTY WOULD BE WHERE THEY WERE A PARTY TO

1 THE PROCEEDING, WITH AN OPPORTUNITY TO BE HEARD AND  
2 PRESENT EVIDENCE.

3 THAT DOES NOT OCCUR WITH -- IN THE ROLE OF  
4 DCF -- CDSS IN THIS KIND OF MATTER. SO I'M NOT GOING  
5 TO RECEIVE ANY EVIDENCE OF A FINDING BY THEM. BUT THAT  
6 ISN'T WHAT OCCURRED IN ANY EVENT.

7 MR. PRAGER: WE'RE GOING TO MOVE ON, YOUR  
8 HONOR. AND JUST FOR THE RECORD, WHAT WE'RE TALKING  
9 ABOUT BY FINDING, WHICH I THINK WE COVERED THE WITNESS,  
10 IS THE INTERNAL CONCLUSIONS, YOU KNOW, DOCUMENTATION  
11 THE COURT'S TAKEN EVIDENCE ABOUT TODAY.

12 PLUS THERE WAS EVIDENCE THAT THE LOCAL DCF  
13 OFFICE, THE CHILD WELFARE DEPARTMENT, CWD, THE CODE  
14 USES, CANNOT CLOSE ITS INVESTIGATION WITHOUT THE  
15 APPROVAL OF CDSS.

16 I DO APPRECIATE THAT THE JURY GETS TO DECIDE  
17 WHAT DISCRIMINATION OCCURRED OR DID NOT OCCUR. WHAT  
18 WE'RE TRYING TO SAY, AND I'M SORRY IF IT WAS INARTFUL,  
19 IS THAT WE WERE JUST TRYING TO CONFIRM THAT CDSS MADE  
20 THEIR FINDING --

21 THE COURT: WELL, I'M NOT TRYING TO LAY OUT  
22 WHAT OTHER SUBJECTS YOU MAY WANT TO GO INTO. BUT YOUR  
23 QUESTION TO WHICH THE OBJECTION WAS MADE, ON WHICH I  
24 RULED, WAS ABOUT THEM MAKING A FINDING AND HAVING  
25 CHANGED THEIR FINDING. THERE NEVER WAS A FINDING.

26 THERE WILL NOT BE, IN THE ROLE OF CDSS, A  
27 FINDING BECAUSE THAT ISN'T WHAT THEY DO. SO WHATEVER  
28 ELSE YOU WANT TO BE ABLE TO -- I DON'T KNOW WHAT



1 DIFFERENCE IT MAKES WHETHER AN INVESTIGATION IS CLOSED.

2 THE EVIDENCE THAT YOU WANT IS THE COUNTY'S OWN  
3 STATEMENT THAT THERE WAS DISCRIMINATION. NOW, IF THEY  
4 ATTEMPTED TO CHANGE THAT, THAT'S FINE. THAT'S FOR THE  
5 JURY TO DECIDE WHAT DIFFERENCE THAT MAKES, IF ANY.

6 BUT ALSO FOR THE JURY TO DECIDE IF THEY  
7 BELIEVE THE COUNTY'S STATEMENT OF A FINDING OF  
8 DISCRIMINATION IS EVIDENCE THAT DISCRIMINATION  
9 OCCURRED. BECAUSE THAT IS AN ADMISSION ON THEIR PART  
10 WHEN THEY DO THAT.

11 SO YOU CAN PURSUE THIS ALL YOU WANT, RECITING  
12 ALL THESE DIFFERENT -- WHATEVER THEY ARE, REGULATIONS  
13 AND SO ON, WHICH FRANKLY, I DON'T THINK ANYONE CAN  
14 FOLLOW, BUT I LEAVE THAT UP TO YOU.

15 IT'S NOT GOING TO CHANGE WHAT THE SUBSTANTIVE  
16 EFFECT OF THE EVIDENCE IS, WHICH WE'VE ALREADY  
17 RECEIVED, AND IT WON'T CHANGE MY RULING ABOUT CDSS EVER  
18 HAVING MADE A FINDING. THEY DIDN'T.

19 AND I'M NOT GOING TO LET THE JURY THINK, FROM  
20 THE EVIDENCE, THAT THE STATE OF CALIFORNIA MADE A  
21 FINDING OF DISCRIMINATION. THAT ISN'T WHAT OCCURRED.  
22 AND IF IT DID OCCUR, I WOULDN'T LET IT.

23 I WOULDN'T LET THE RESULT BE IN EVIDENCE HERE.  
24 SO THERE'S -- I'VE PERMITTED ALL THE EVIDENCE UP UNTIL  
25 THIS POINT, SO AS LONG AS IT RELATES TO WHAT THE COUNTY  
26 REPORTED TO THEM AND SO ON. BUT ONCE YOU GOT TO  
27 QUESTIONS ABOUT FINDINGS, THAT'S GONE BEYOND --

28 MR. PRAGER: VERY GOOD YOUR HONOR.

1 THE COURT: -- WHAT'S PERMISSIBLE. WE ALL SET  
2 TO CONTINUE?

3 THE WITNESS: WE ARE, YOUR HONOR.

4 THE COURT: ALL RIGHT, THEN WE'LL GET THE  
5 JURORS BACK.

6 (JURY PRESENT)

7 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN  
8 COURT IN THE PRESENCE OF THE JURY)

9 THE COURT: EVERYONE MAY BE SEATED. WE'RE  
10 BACK ON THE RECORD. EVERYONE'S PRESENT. GO AHEAD,  
11 MR. PRAGER.

12 MR. PRAGER: THANK YOU, YOUR HONOR.

13 BY MR. PRAGER:

14 Q MR. URQUIZO, I'VE OPENED UP EXHIBIT 220 IN  
15 FRONT OF YOU. LET ME ASK YOU TO LOOK AT THAT. LET ME  
16 KNOW WHEN YOU'RE READY TO PROCEED. YOU READY?

17 A MM-HMM.

18 Q OKAY. WHAT IS BEFORE YOU AS EXHIBIT 220?

19 A IT'S THE FINAL LETTER FROM THE COUNTY  
20 REFERENCING THEIR FINDING OF DISABILITY.  
21 DISCRIMINATION ON THE BASIS OF DISABILITY.

22 Q IN TERMS OF THE PROCEDURES, WHAT IS THE  
23 SIGNIFICANCE OF THIS EXHIBIT, 220, TO YOUR OFFICE?

24 A TO MY OFFICE?

25 Q TO YOUR -- HOW YOU PROCESS -- HOW YOU DO YOUR  
26 BUSINESS? WHAT IS THE SIGNIFICANCE OF EXHIBIT 220 TO  
27 HOW YOU DO YOUR WORK?

28 A WHEN WE GET A LETTER OF THIS NATURE ATTACHED

1 TO THE FULL INVESTIGATION REPORT, AND ESPECIALLY IF WE  
2 FIND THAT THERE'S VIOLATIONS OF --

3 ON THE BASIS OF DISABILITY, WE LOOK AT THE  
4 WHOLE REPORT AND, BASED ON THEIR INVESTIGATION, ON THE  
5 PROCESS, WE EITHER CONCUR OR SEND BACK FOR MORE  
6 INFORMATION.

7 Q AND IS THIS AN AUGUST 2ND, 2010, LETTER SIGNED  
8 BY LYNETTE MORGAN NICHOLS?

9 A YES.

10 Q DO YOU KNOW WHO LYNETTE MORGAN NICHOLS IS?

11 A SHE IS THE -- AT THE TIME, WAS LEAD CIVIL  
12 RIGHTS INVESTIGATOR.

13 Q FOR LA DCFS CIVIL RIGHTS UNIT?

14 A YES.

15 Q AND DOES THE TERM, "LEAD CIVIL RIGHTS  
16 INVESTIGATOR" HAVE ANY SIGNIFICANCE TO YOU?

17 A NO. OTHER THAN THEY HAVE SEVERAL.

18 Q SO SHE WOULD BE A SUPERVISOR TO THE UNIT, TO  
19 YOUR UNDERSTANDING?

20 A MOST LIKELY, YES.

21 Q OKAY. SO IS THIS LETTER EFFECTIVELY TELLING  
22 YOUR OFFICE THAT YOU CAN GO FORWARD AND FINISH YOUR  
23 WORK?

24 A THIS IS -- THIS LETTER TELLS US THAT THEY HAVE  
25 FINISHED THEIR REVIEW, AND THEIR FINDING IS THAT THEY  
26 FOUND DISCRIMINATION. IT IS -- THERE'S NORMALLY A  
27 REQUEST TO REVIEW THE INFORMATION AND TO REQUEST  
28 WHETHER WE ARE GOING TO CLOSE OR NOT.

1 Q OKAY. NOW, LET ME ASK YOU TO TURN TO  
2 EXHIBIT 222. ONCE YOU HAVE IT OPEN, PLEASE TAKE A  
3 SECOND TO LOOK AT IT, AND LET ME KNOW WHEN YOU'RE  
4 READY.

5 A OKAY.

6 Q IS THIS A JULY 30, 2010, LETTER ADDRESSED TO  
7 MS. CANDIS NELSON?

8 A YES.

9 Q DOES IT SAY, "LETTER OF DETERMINATION"?

10 A YES.

11 Q BELOW "LETTER OF DETERMINATION," DOES IT SAY  
12 "CDSS CRB CASE NUMBER"?

13 A YES.

14 Q IS THAT CDSS CRB CASE NUMBER THE CASE NUMBER  
15 THAT YOUR OFFICE ASSIGNED TO THE DUVAL INVESTIGATION?

16 A YES.

17 Q IS IT TRUE THAT THE DCFS CIVIL RIGHTS UNIT  
18 CANNOT START INVESTIGATING THIS COMPLAINT UNTIL YOUR  
19 OFFICE ISSUES SUCH A LETTER -- I'M SORRY -- SUCH A  
20 NUMBER?

21 MS. SWISS: OBJECTION: LEADING, LACKS  
22 FOUNDATION.

23 THE COURT: SUSTAINED AS TO LEADING. YOU CAN  
24 JUST ASK A DIRECT QUESTION.

25 MR. PRAGER: OKAY.

26 BY MR. PRAGER:

27 Q SIR, TO YOUR KNOWLEDGE, CAN DCFS CIVIL RIGHTS  
28 UNIT START THE DUVAL INVESTIGATION WITHOUT OBTAINING A

1 CDSS CRB NUMBER FIRST?

2 A THE REGULATIONS, DIVISION 21, ARE SPECIFIC TO  
3 TIMING UPON FIRST CONTACT.

4 IF THE INDIVIDUAL COMPLAINANT GOES TO THE  
5 COUNTY, AND THE COUNTY TAKES AN AMOUNT OF TIME TO GET  
6 TO US BEFORE GETTING THE ASSIGNMENT OF THE CASE NUMBER,  
7 IT'S NOT THE TIMING FOR THEM -- FOR ANYONE TO BEGIN THE  
8 CASE REVIEW.

9 Q IS IT CORRECT THAT YOUR OFFICE MUST ESTABLISH  
10 THE JURISDICTIONAL QUESTION YOU MENTIONED EARLIER AND  
11 ASSIGN A CASE NUMBER BEFORE LA DCF'S CIVIL RIGHTS UNIT  
12 CAN DO THEIR WORK?

13 MS. SWISS: OBJECTION: LEADING.

14 THE COURT: SUSTAINED AS TO LEADING.

15 BY MR. PRAGER:

16 Q OKAY. WHAT IS THE SIGNIFICANCE OF HAVING A  
17 CDSS CRB NUMBER ON THIS LETTER?

18 MS. SWISS: OBJECTION: LACKS FOUNDATION,  
19 CALLS FOR SPECULATION.

20 THE COURT: OVERRULED.

21 THE WITNESS: THE CASE NUMBER BASICALLY IS TO  
22 TRACK CASES FROM DIFFERENT COUNTIES.

23 BY MR. PRAGER:

24 Q OKAY. IS IT -- TO YOUR UNDERSTANDING, WHAT IS  
25 THE PURPOSE OF THIS LETTER OF DETERMINATION?

26 MS. SWISS: OBJECTION: LACKS FOUNDATION,  
27 CALLS FOR SPECULATION.

28 THE COURT: OVERRULED.

1 BY MR. PRAGER:

2 Q YOU CAN ANSWER. I'M SORRY.

3 A THIS LETTER'S BASICALLY NOTIFYING US THAT THE  
4 INVESTIGATION HAS BEEN DONE, AND OF THEIR FINDINGS, AND  
5 THERE'S A LETTER, NORMALLY A REQUEST FOR CLOSURE OF THE  
6 CASE.

7 Q AND IS IT TRUE IT REQUIRES CORRECTIVE MEASURES  
8 BY DCFS?

9 MS. SWISS: OBJECTION: LACKS FOUNDATION, THE  
10 LETTER LACKS AUTHENTICATION.

11 THE COURT: THOSE OBJECTIONS ARE OVERRULED.  
12 HOWEVER, THE QUESTION IS UNCLEAR. YOU ASKED, "AND IS  
13 IT TRUE IT REQUIRES CORRECTIVE MEASURES BY DCFS?" WHAT  
14 IS MEANT BY "IT," IS UNCLEAR.

15 MR. PRAGER: I WILL REPHRASE. THANK YOU, YOUR  
16 HONOR.

17 BY MR. PRAGER:

18 Q IS IT TRUE THAT EXHIBIT 222 HAS A STATEMENT  
19 THAT MS. NELSON WILL BE ADVISED, "CORRECTIVE MEASURES  
20 TO BE TAKEN BY DCFS WILL BE FORTHCOMING"?

21 A IF YOU'RE REFERENCING THIS PARTICULAR LETTER?

22 Q YES.

23 A IT IS NOT MAKING ANY REFERENCES -- YES.

24 IT'S A LETTER ADVISING THE WORKER THAT THE  
25 COUNTY'S INVESTIGATION FOUND, YOU KNOW, HAD FINDINGS.

26 Q TO YOUR KNOWLEDGE, IS THIS STATEMENT  
27 CONSISTENT WITH CDSS'S ANALYSIS OF THE DUVAL COMPLAINT?

28 MS. SWISS: OBJECTION: LACKS FOUNDATION,

1 CALLS FOR SPECULATION, VAGUE AS TO ANALYSIS.

2 THE COURT: SUSTAINED AS TO SPECULATION AND  
3 VAGUENESS.

4 MR. PRAGER: THANK YOU, YOUR HONOR.

5 BY MR. PRAGER:

6 Q DO YOU RECALL IN EXHIBIT 205 WHEN YOU ENTERED  
7 YOUR DATA --

8 A YES.

9 Q THAT --

10 A I'M SORRY.

11 Q -- THAT THERE WAS GOING TO BE A RECOMMENDATION  
12 FOR DISCIPLINE?

13 A I RECALL LOOKING AT 205, A DATA ENTRY STATING  
14 THAT THERE WAS GOING TO BE, YES.

15 Q OKAY. IN YOUR NORMAL COURSE AND SCOPE OF  
16 BUSINESS WOULD THE LETTER DEPICTED IN EXHIBIT 222 BE  
17 THE TYPE OF LETTER YOU WOULD EXPECT THE LOCAL CIVIL  
18 RIGHTS OFFICE TO SEND TO THE SUBJECT OF INVESTIGATION  
19 REGARDING CORRECTIVE MEASURES?

20 A THIS IS A BASIC STANDARD LETTER THAT NORMALLY  
21 IS SENT BY THE COUNTIES.

22 Q AND IS IT A STANDARD LETTER THAT YOUR OFFICE  
23 APPROVES IN FORM?

24 A NO. WE DO NOT HAVE OVERSIGHT TO CONFIRMING  
25 THE LANGUAGE OR -- YES.

26 Q LET ME DRAW YOUR ATTENTION TO EXHIBIT 225.  
27 TAKE A LOOK AT THAT. AND LET ME KNOW WHEN YOU'RE  
28 READY.

1 A OKAY.

2 Q IS THIS A JULY 31, 2010, LETTER TO  
3 MS. VICTORIA SCHEELE?

4 A YES.

5 Q IS THIS ALSO A LETTER OF DETERMINATION?

6 A YES.

7 Q IS THIS THE SAME TYPE OF STANDARD LETTER YOU  
8 SPOKE OF A MINUTE AGO?

9 A SIMILAR, YES.

10 Q AND DOES THIS LETTER ALSO HAVE NOTIFICATION  
11 THAT CORRECTIVE MEASURES WILL BE TAKEN BY DCFS?

12 A YES.

13 Q AND WHAT DOES THAT SUGGEST TO YOU, IF  
14 ANYTHING?

15 A IT IDENTIFIES -- IT TALKS ABOUT THE  
16 INVESTIGATION, AND IT TALKS ABOUT THE FINDINGS. A  
17 VIOLATION OF CIVIL RIGHTS BASED ON NATIONAL ORIGIN, AND  
18 RECOMMENDATIONS FOR ADMINISTRATIVE REVIEW.

19 Q THANK YOU. LET ME DRAW YOUR ATTENTION TO  
20 EXHIBIT NUMBER 218. ARE YOU READY?

21 A OKAY.

22 Q THIS IS A LETTER DATED SEPTEMBER 28TH, 2010.  
23 CORRECT?

24 A CORRECT.

25 Q WHO WAS THE LETTER FROM?

26 A THE LETTER WAS SIGNED BY JAMES TOSHIMA.

27 Q AND WHO IS IT TO?

28 A TO LYNNE BOWLES CONDEN. MANAGER. SHE'S THE



1       MANAGER.

2           Q       I'M SORRY?

3           A       LYNNE BOWLES CONDEN. SHE'S THE MANAGER.

4           Q       OF THE --

5           A       LA DCFS.

6           Q       THANK YOU. WHAT IS THE SIGNIFICANCE OF THIS  
7 LETTER, AS YOU UNDERSTAND IT?

8           A       THIS LETTER SUMMARIZES OUR REVIEW AND FINDS --  
9 REVIEW OF OUR CONCLUSIONS -- THE COUNTY'S CONCLUSIONS  
10 AND STATES THAT IT MAY APPEAR TO BE CONSISTENT WITH THE  
11 FINDINGS OF THE INVESTIGATION.

12          Q       NOW, THERE'S ALSO A MENTION TO APPEAL, IN THE  
13 SECOND PARAGRAPH. IS THAT CORRECT?

14          A       YES.

15          Q       WHAT APPEAL IS MR. TOSHIMA SPEAKING OF THERE,  
16 IF YOU KNOW?

17          A       THEY CAN APPEAL BACK TO THE DEPARTMENT OF  
18 SOCIAL SERVICES. WE CAN REOPEN THE CASE AND LOOK TO  
19 SEE IF THERE'S SOME INFORMATION OR TESTIMONIALS THAT  
20 HAVE BEEN OMITTED.

21                 AND, YOU KNOW, THE -- WE MANAGE APPEALS, BUT  
22 THE -- AN APPEAL CAN ALSO GO TO THE FEDERAL GOVERNMENT.

23          Q       DO YOU KNOW WHICH BRANCH OF THE FEDERAL  
24 GOVERNMENT YOU'RE SPEAKING OF?

25          A       WE HARDLY EVER GET ANY GOING OVER THAT WAY. I  
26 BELIEVE IT'S THE DEPARTMENT OF HEALTH AND HUMAN  
27 SERVICES, I BELIEVE.

28          Q       WOULD THAT BE THE OFFICE OF CIVIL RIGHTS FOR

1 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES?

2 A YES. IN SAN FRANCISCO.

3 Q NOW, IS IT TRUE THAT, UPON THE COMPLETION OF  
4 YOUR WORK THAT THE COMPLAINING PARTY IS SENT SOME TYPE  
5 OF NOTICE?

6 A AT THE COMPLETION OF THE REVIEW AND THE LETTER  
7 BACK TO THE COUNTY, IT IS OUR UNDERSTANDING THE LETTER  
8 IS SENT TO THE COMPLAINANT.

9 Q AND IS THERE A NAME FOR THAT TYPE OF LETTER?

10 A NO IT'S THE LETTERS THAT WE WERE LOOKING  
11 EARLIER. SIMILAR.

12 Q IS IT THE LETTER --

13 A IT'S A NOTIFICATION TO THE COMPLAINANT THAT  
14 THE INVESTIGATION HAS BEEN COMPLETED.

15 Q IS IT CALLED ANYTHING IN PARTICULAR?

16 A NO IT'S A LETTER GENERATED IN A DIFFERENT  
17 FORMATS FROM COUNTY TO COUNTY.

18 Q IS IT CALLED A LETTER OF DETERMINATION?

19 A THEY COULD CALL IT THAT.

20 Q YOU JUST MENTIONED A MOMENT AGO THIS APPEAL  
21 RIGHT. CORRECT?

22 A RIGHT.

23 Q DOES THE LETTER WE'RE NOW SPEAKING OF HAVE ANY  
24 RELATION TO THE COMPLAINING PARTY'S RIGHT TO APPEAL?

25 A YES. THERE'S GOT TO BE -- THERE NEEDS TO BE  
26 APPEAL LANGUAGE AT THE BOTTOM, WHICH CONSISTS OF EITHER  
27 CONTACTING US OR THE FEDERAL GOVERNMENT.

28 Q SO LET ME DRAW YOUR ATTENTION TO EXHIBIT 202.

1 A OKAY.

2 Q HAVE YOU READ IT?

3 A YES.

4 Q WHAT IS THAT?

5 A THAT'S A LETTER OF DETERMINATION FROM THE  
6 COUNTY OF LOS ANGELES, DEPARTMENT OF CHILDREN AND  
7 FAMILY SERVICES ADVISING MS. DUVAL THAT THE  
8 INVESTIGATION HAS BEEN COMPLETED.

9 AND BASED ON THE INVESTIGATION, THEY CONCLUDE,  
10 THEY REVEALED A VIOLATION OF CIVIL RIGHTS IN THE AREA  
11 OF DISABILITY, AND HER APPEAL RIGHTS TO OUR DEPARTMENT  
12 AND TO THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES  
13 IN SAN FRANCISCO.

14 Q IS IT TRUE THAT THIS LETTER IS THE KEY TO THAT  
15 APPEAL RIGHT?

16 A YES.

17 MS. SWISS: OBJECTION: LACKS FOUNDATION.

18 THE COURT: OVERRULED.

19 BY MR. PRAGER:

20 Q AND BRIEFLY, DO YOU HAVE ANY UNDERSTANDING  
21 ABOUT WHAT RELIEF A PARTY COULD BE APPEALING FOR?

22 A NO.

23 Q FOR EXAMPLE, COULD THERE BE A REDETERMINATION  
24 BY YOUR AGENCY FOLLOWING THE APPEAL?

25 A WHEN YOU SAY REDETERMINATION --

26 Q A CHANGE IN FINDING.

27 A AGAIN, THE DEPARTMENT OF SOCIAL SERVICES DOES  
28 NOT NORMALLY CHANGE THE POSITION OF THE INVESTIGATION.

1 WE ARE RESPONSIBLE FOR OVERSEEING THE COUNTY WITH  
2 ADDITIONAL INFORMATION IF THERE'S ANY FROM THE  
3 COMPLAINANT.

4 Q THANK YOU. I'M SIMPLY ASKING -- THERE'S AN  
5 APPEAL RIGHT IN A LETTER. RIGHT?

6 A RIGHT.

7 Q SO IF THERE'S AN APPEAL, WHAT ARE THE  
8 POTENTIAL OUTCOMES OF THE APPEAL, SHOULD A COMPLAINING  
9 PARTY APPEAL TO CDSS?

10 A BASED ON ADDITIONAL INFORMATION, WE COULD  
11 REOPEN THE CASE FOR THE COUNTY TO INVESTIGATE AGAIN.

12 Q AND IS IT TRUE THAT COULD LEAD TO A DIFFERENT  
13 CONCLUSION?

14 A IT COULD.

15 Q OKAY. AND WHY DOES THERE HAVE TO BE LANGUAGE  
16 OF THE PARTY'S RIGHT TO APPEAL IN THAT LETTER?

17 A THE REGULATIONS ARE VERY SPECIFIC AS TO THE  
18 REFERENCE, FOR APPEAL.

19 Q NOW, YOU'RE AWARE OF THE FACT THAT THERE WERE  
20 TWO AMENDMENTS TO MS. DUVAL'S REPORT. CORRECT?

21 A I'M AWARE.

22 Q FOLLOWING THE DECEMBER 2010 AMENDMENT, BASED  
23 ON THE REGULATIONS THAT YOU'RE FAMILIAR WITH, IS THERE  
24 A REQUIREMENT TO SEND THE COMPLAINING PARTY A NEW  
25 LETTER?

26 A IF A NEW AMENDMENT CHANGING THE STATUS, OR THE  
27 POSITION OF THE FINDING CHANGES, YES, THERE IS.

28 Q I'M SORRY. I'M NOT SURE I UNDERSTAND THAT

1 CORRECTLY.

2 IF THERE IS A CHANGE IN THE POSITION OF THE  
3 FINDINGS, THEN THE COUNTY DOING THE INVESTIGATION MUST  
4 SEND THIS TYPE OF LETTER TO THE COMPLAINING PARTY. IS  
5 THAT CORRECT?

6 A YES.

7 Q AND THAT'S PURSUANT TO TITLE 21 REGULATIONS?

8 A YES.

9 Q WOULD THAT ALSO BE TRUE FOLLOWING THE  
10 JANUARY 2011 FINAL AMENDMENT TO THE DUVAL MATTER?

11 A YES.

12 Q IS IT ACCURATE THEN THAT, IF THE COUNTY  
13 CHANGED THEIR FINDINGS TWICE, MS. DUVAL SHOULD HAVE  
14 BEEN SENT TWO SEPARATE LETTERS INFORMING HER OF A  
15 REDETERMINATION OF THE COUNTY'S FINDINGS AND AFFORDING  
16 HER A RIGHT TO APPEAL?

17 MS. SWISS: OBJECTION: CALLS FOR A LEGAL  
18 CONCLUSION.

19 THE COURT: SUSTAINED.

20 BY MR. PRAGER:

21 Q YOU'RE TRAINED IN TITLE 21 REGULATIONS.  
22 CORRECT?

23 A YES.

24 Q WHAT IS YOUR EXPECTATION REGARDING TITLE WHEN  
25 THERE IS A REDETERMINATION OF A COMPLAINING PARTY'S  
26 RIGHT?

27 MS. SWISS: OBJECTION: CALLS FOR A LEGAL  
28 CONCLUSION.

1 THE COURT: SUSTAINED.

2 BY MR. PRAGER:

3 Q AS PART OF YOUR WORK, DO YOU AUDIT THE VARIOUS  
4 COUNTIES YOU OVERSEE TO ENSURE COMPLIANCE WITH  
5 TITLE 21?

6 A IN GENERAL, YES.

7 Q AS PART OF THE AUDITS YOU MADE MENTION TO  
8 EARLIER WAS DOCUMENTATION, IS THAT CORRECT?

9 A YES.

10 Q DOES THAT DOCUMENTATION REVIEW INCLUDE  
11 CONFIRMING THAT, UPON A REDETERMINATION, A COMPLAINING  
12 PARTY IS SENT NOTICE OF THE REDETERMINATION?

13 A NO.

14 Q NOW, IS IT TRUE THAT YOU LEARNED IN  
15 NOVEMBER 2014 OF THE REDETERMINATIONS IN THE DUVAL  
16 MATTER?

17 A YES.

18 Q AND DO YOU RECALL SENDING AN EMAIL TO LYNETTE  
19 MORGAN-NICHOLS AND LYNNE CONDEN ABOUT THOSE  
20 REDETERMINATIONS IN 2014?

21 A YES.

22 Q WHAT WAS THE SUBJECT OF YOUR EMAIL, IF YOU  
23 RECALL?

24 A FROM MY MEMORY RECALLING, I BELIEVE I WAS  
25 ASKING TO SEE IF LETTERS WERE SENT.

26 Q WHAT TYPE OF LETTERS ARE YOU SPEAKING OF?

27 A LETTERS LIKE THIS.

28 Q LETTERS OF DETERMINATION?

1           A     RIGHT.

2           Q     WHY WOULD YOU ASK THAT?

3           A     I WANTED TO SEE WHAT FURTHER ACTIONS WERE  
4     TAKEN.

5           Q     WHAT WAS YOUR EXPECTATION, IF ANY, REGARDING  
6     THE COUNTY SENDING LETTERS TO MS. DUVAL FOLLOWING THESE  
7     REDETERMINATIONS?

8           A     WHAT WERE MY EXPECTATIONS?

9           Q     YES.

10          A     I DON'T UNDERSTAND.

11          Q     SURE.  WHY WERE YOU ASKING TO SEE THE LETTERS?

12          A     I WANTED TO SEE IF THE COUNTY HAD SUMMARIZED  
13     THE REVIEW.

14          Q     I'M SORRY --

15          A     I WANTED TO SEE IF THE COUNTY SUMMARIZED THE  
16     REVIEW.

17          Q     WERE YOU ALSO ASKING FOR A COPY OF ANY LETTER  
18     SENT TO MS. DUVAL ABOUT THE REDETERMINATION?

19          A     YES.

20          Q     WHY DID YOU DO THAT?

21          A     AGAIN, SENDING A LETTER TO THE COUNTY (SIC)  
22     FURTHER CONFIRMS THAT THE COUNTY DID ITS FINAL REVIEW.

23          Q     AND IS IT TRUE THAT THE COUNTY DID NOT SEND  
24     MS. DUVAL ANY LETTERS OF DETERMINATION FOLLOWING THE  
25     TWO REDETERMINATIONS OF HER CASE?

26                     MS. SWISS:  LACKS FOUNDATION, CALLS FOR  
27     SPECULATION.  OBJECTION.

28                     THE COURT:  SUSTAINED AS TO FOUNDATION AND

1 SPECULATION. GO AHEAD.

2 MS. SWISS: DOES THIS HAVE AN EXHIBIT NUMBER?

3 MR. PRAGER: YEAH. IT'S GOING TO BE 721, AND  
4 THE BATES NUMBER ON THE TOP.

5 BY MR. PRAGER:

6 Q LET ME GO AHEAD AND ASK YOU TO READ  
7 EXHIBIT 721, BATES STAMP NUMBER 20177 TO YOURSELF  
8 FIRST.

9 THE REPORTER: (REPORTER CLARIFICATION.)

10 THE WITNESS: OKAY.

11 BY MR. PRAGER:

12 Q DO YOU RECOGNIZE THIS EMAIL?

13 A YES.

14 Q DO YOU HAVE INDEPENDENT RECOLLECTION OF THE  
15 EMAIL?

16 A INDEPENDENT, YES.

17 Q OKAY. IS IT ACCURATE THAT ON  
18 NOVEMBER 30, 2014, YOU EMAILED  
19 MS. LYNETTE MORGAN-NICHOLS ASKING FOR A LETTER  
20 REFERENCING THE DECEMBER 13, 2010, CHANGE IN FINDINGS?

21 A I ASKED FOR THE 30-DAY LETTERS FOR THOSE THREE  
22 PERIODS, YES.

23 Q AND YOU'RE SPEAKING, THEN, OF THE  
24 MARCH 2ND, 2011, PERIOD. CORRECT?

25 A ON THIS PARTICULAR EMAIL, I WAS ASKING HIM FOR  
26 THE -- THE INITIAL FINAL REPORT OF AUGUST 2ND, 2010,  
27 DECEMBER 13, 2010, AND THEN -- DECEMBER 13, 2010, WAS  
28 AN AMENDMENT.



1                   AND THEN MARCH 2ND, 2011, WAS ANOTHER  
2 AMENDMENT, I BELIEVE.

3           Q       AND IT SAYS, "NEEDED IMMEDIATELY." IS THAT  
4 CORRECT?

5           A       RIGHT.

6           Q       WHY DID YOU SAY NEEDED IMMEDIATELY?

7           A       BECAUSE I WANTED TO MAKE SURE THAT THE COUNTY  
8 OR THE -- BY GETTING THE LETTERS TO THE DEPARTMENT, IT  
9 MEANS THAT THE CASE HAS BEEN SUMMARIZED, BEEN  
10 FINALIZED.

11          Q       AND DID YOU GET A RESPONSE TO YOUR EMAIL?

12          A       I DID.

13          Q       AND WAS THAT ON NOVEMBER 4, 2014?

14          A       I'M SORRY? EXCUSE ME.

15          Q       WAS THAT ON NOVEMBER 4, 2014?

16          A       YES.

17          Q       DO YOU HAVE AN INDEPENDENT RECOLLECTION OF  
18 RECEIVING THAT RESPONSE?

19          A       I RECALL IT SOMEWHAT, YES.

20          Q       TO YOUR KNOWLEDGE, WHAT WAS THE RESPONSE  
21 REGARDING THIS LETTER?

22          A       THE LETTERS THAT WERE SENT BACK, I DON'T KNOW  
23 WHICH ONES. THEY'RE NOT REFERENCED HERE. WERE SENT  
24 BACK, BUT IT SAYS THAT A COUPLE OF LETTERS WERE NOT  
25 DATED.

26          Q       IT SAYS THAT ATTACHED IS THE -- "ARE THE  
27 ONLY 30-DAY LETTERS WE HAVE ON FILE FOR MS. DUVAL." IS  
28 THAT CORRECT?

1           A     CORRECT.

2           Q     AND IT'S TRUE THAT THAT -- DOES THAT REFERENCE  
3     THE AUGUST 2ND, 2010, FINDINGS WE'VE ALREADY DISCUSSED  
4     TODAY?

5           A     YES.

6           Q     SO TO YOUR KNOWLEDGE, DID THE COUNTY EVER SEND  
7     MS. DUVAL A LETTER FOLLOWING THE DECEMBER 2010 CHANGE?

8           MS. SWISS:   OBJECTION --

9     BY MR. PRAGER:

10          Q     CHANGE IN THE CONCLUSION OF THEIR REPORT?

11          MS. SWISS:   OBJECTION:   LACKS FOUNDATION,  
12     CALLS FOR SPECULATION.

13          THE COURT:   SUSTAINED AS TO SPECULATION AND  
14     FOUNDATION.

15     BY MR. PRAGER:

16          Q     AS PART OF YOUR RESPONSIBILITIES WITH CDSS, DO  
17     YOU HAVE AN UNDERSTANDING IF THE COUNTY OF LOS ANGELES  
18     WOULD HAVE TO MAIL YOU A LETTER FOR APPROVAL REGARDING  
19     A LETTER OF DETERMINATION?

20          THAT WAS KIND OF A POOR QUESTION.   I CAN  
21     REPHRASE IT.

22          BASED ON YOUR KNOWLEDGE, TRAINING AND  
23     EXPERIENCE WORKING FOR CDSS, DO YOU HAVE AN  
24     UNDERSTANDING IF LA DCFS HAS TO SEND A PROPOSED LETTER  
25     OF DETERMINATION TO YOUR OFFICE FOR APPROVAL BEFORE IT  
26     IS SENT TO A COMPLAINING PARTY?

27          A     THE COUNTIES NORMALLY SEND US A COPY -- NOT  
28     ALL OF THEM SEND US A COPY, BUT NOT FOR OUR APPROVAL.

1 INDICATING THAT ONCE THE REVIEW HAS BEEN DONE BY CDSS,  
2 THE FINAL LETTER WILL GO OUT.

3 Q AND TO YOUR KNOWLEDGE, DID CDSS EVER -- WELL,  
4 STRIKE THAT. WITHDRAW THAT. ALL RIGHT. JUST TO BE  
5 CLEAR, WE'VE TALKED ABOUT A NUMBER OF EXHIBITS TODAY.  
6 CORRECT?

7 A CORRECT.

8 Q YOU'VE ALREADY TESTIFIED THAT YOU WERE THE  
9 CUSTODIAN OF RECORDS FOR CDSS IN RESPONSE TO THAT  
10 SUBPOENA. CORRECT?

11 A CORRECT.

12 Q AND IT'S ALSO -- IS IT TRUE THAT ALL THE  
13 EXHIBITS WE'VE BEEN DISCUSSING HERE TODAY, YOU REVIEWED  
14 IN YOUR OFFICIAL CAPACITY AT CDSS?

15 A YES.

16 Q AND THAT WOULD BE PART OF YOUR TYPICAL JOB  
17 REQUIREMENTS FOR CDSS. IS THAT CORRECT?

18 A YES.

19 Q WOULD YOUR DUTIES INCLUDE RECEIVING THE  
20 DOCUMENTS AND THEN ENSURING THOSE DOCUMENTS WERE PLACED  
21 IN MS. DUVAL'S CASE FILE?

22 A NO.

23 Q WOULD YOU HAVE AN ASSISTANT DO THAT?

24 A NORMALLY, OUR RECEPTIONIST.

25 Q IT WOULD BE YOUR OFFICE'S BUSINESS PRACTICE TO  
26 TAKE ANY RECORDS RECEIVED REGARDING THE DUVAL MATTER  
27 AND ENSURE THEY'RE FILED IN THE APPROPRIATE LOCATION.  
28 CORRECT?

1           A     NO.  THE RECEPTIONIST WILL RECEIVE THEM AND  
2 FORWARD THEM TO THE APPROPRIATE WORKER.  A LOT OF TIMES  
3 THESE LETTERS COME IN UNDER THE MANAGER'S NAME.  SO...

4           Q     AND THEY ARE MAINTAINED AS CUSTOMARY BUSINESS  
5 RECORDS BY YOUR ORGANIZATION.  CORRECT?

6           A     CORRECT.

7           Q     AND DO YOU HAVE AN ESTABLISHED POLICY TO MAKE  
8 SURE THOSE RECORDS GET TO THE REQUIRED DESTINATION FOR  
9 THE CASE FILE?

10          A     WE DON'T HAVE A WRITTEN POLICY WHERE THERE'S  
11 AN INSTRUCTION.

12          Q     SO LET ME ASK YOU, SIR, EXHIBIT 203 IS A TRUE  
13 AND ACCURATE COPY OF THE RECORDS IN YOUR FILE.  
14 CORRECT?

15          A     YES.

16          Q     EXHIBIT 205 IS A TRUE AND ACCURATE COPY OF THE  
17 RECORDS IN YOUR FILE.  CORRECT?

18          A     YES.

19          Q     EXHIBIT 222 IS A TRUE AND ACCURATE COPY OF THE  
20 RECORDS IN YOUR FILE.  CORRECT?

21                MS. SWISS:  OBJECT AS LACKING FOUNDATION,  
22 LACKING AUTHENTICATION.

23                THE COURT:  OVERRULED.

24                THE WITNESS:  YES.

25 BY MR. PRAGER:

26          Q     WE DISCUSSED EXHIBIT 226 TODAY.  THAT WAS THE  
27 REPORT OF INVESTIGATION.  THAT WAS A TRUE AND ACCURATE  
28 OF THE DOCUMENTS IN YOUR FILE.  CORRECT?

1           A     YES.

2           Q     PERFECT.  I'LL TRY TO GO IN BETTER ORDER.  WE  
3     TALKED ABOUT EXHIBIT 219, THE REPORT OF INVESTIGATION.  
4     THAT WAS A TRUE AND ACCURATE COPY AS WELL.  CORRECT?  
5     OF YOUR -- TRUE AND ACCURATE COPY OF YOUR CASE FILE?

6           A     YES.

7           Q     AND I BELIEVE WE ASKED ABOUT EXHIBIT 219.  
8     THAT WAS A TRUE AND ACCURATE OF YOUR CASE FILE.  
9     CORRECT?

10          A     YES.

11          Q     AND THERE WAS EXHIBIT 1018, THE SEPTEMBER 9TH  
12     AMENDMENT.  THAT IS A TRUE AND ACCURATE COPY OF YOUR  
13     CASE FILE.  CORRECT?

14          A     1018?

15          Q     1018, YES.

16          A     I DON'T HAVE IT HERE.

17          Q     I'M SORRY, IT'S IN THE BINDERS THERE.  AROUND  
18     THE CORNER FROM YOU.  I CAN GET IT BUT...

19          A     YES.

20          Q     PERFECT.  THANK YOU.  EXHIBIT 222 IS A TRUE  
21     AND ACCURATE COPY OF YOUR BUSINESS RECORDS.  CORRECT?

22          A     YES.

23          Q     EXHIBIT 225 IS A TRUE AND ACCURATE COPY OF  
24     YOUR BUSINESS RECORDS.  CORRECT?

25          A     YES.

26          Q     EXHIBIT 218 IS A TRUE AND ACCURATE COPY OF  
27     YOUR BUSINESS RECORDS.  CORRECT?

28          A     YES.

1 Q AND WE TALKED ABOUT EXHIBIT 721, BATES STAMP  
2 NUMBER 20177, THE EMAIL. THAT IS A TRUE AND ACCURATE  
3 COPY OF YOUR RECORDS AS WELL. CORRECT?

4 A 721?

5 Q YES. 20177. THAT WAS THE SINGLE PIECE OF  
6 PAPER I HANDED YOU, THE EMAIL.

7 A THIS ONE?

8 Q YES, SIR.

9 A YES.

10 Q THANK YOU. THEN YOU ALSO REVIEWED  
11 EXHIBIT 202, WHICH IS THE DUVAL LETTER OF  
12 DETERMINATION. CORRECT?

13 A YES.

14 Q AND THAT'S A TRUE AND ACCURATE COPY OF YOUR  
15 RECORDS. CORRECT?

16 A YES.

17 MR. PRAGER: THANK YOU, YOUR HONOR.

18 THE COURT: ALL RIGHT. MS. SWISS.

19 MS. SWISS: THANK YOU, YOUR HONOR.

20

21 CROSS-EXAMINATION

22 BY MS. SWISS:

23 Q MR. URQUIZO, GOOD AFTERNOON. WE MET AT YOUR  
24 DEPOSITION ALMOST TWO YEARS AGO. I DON'T KNOW IF YOU  
25 REMEMBER ME.

26 A OKAY.

27 Q THERE WAS QUITE A FEW PEOPLE THERE.

28 I'VE GOT SOME FOLLOW-UP QUESTIONS FOR YOU

1       BASED ON YOUR TESTIMONY THIS AFTERNOON WHEN YOU WERE  
2       QUESTIONED BY MR. PRAGER.

3               NOW, MR. PRAGER JUST ASKED YOU ABOUT A WHOLE  
4       BUNCH OF DOCUMENTS.  A WHOLE BUNCH OF DIFFERENT EXHIBIT  
5       NUMBERS, JUST A SECOND AGO.

6               DO YOU REMEMBER THAT?

7               A     YES.

8               Q     AND WHEN YOU ATTENDED YOUR DEPOSITION, YOU  
9       BROUGHT A CASE FILE.  CORRECT?

10              A     CORRECT.

11              Q     AND THAT WAS IN RESPONSE TO A SUBPOENA SERVED  
12       BY THE PLAINTIFF'S ATTORNEYS?

13              A     CORRECT.

14              Q     AND YOU -- WE ATTACHED A WHOLE BUNCH OF THOSE  
15       DOCUMENTS TO YOUR DEPOSITION.  CORRECT?

16              A     CORRECT.

17              Q     OKAY.  NOW, TODAY DID YOU BRING THOSE CASE  
18       RECORDS?

19              A     NO.

20              Q     OKAY.  AND YOU JUST REVIEWED A WHOLE BUNCH OF  
21       INDIVIDUAL EXHIBITS.  HOW DO YOU KNOW THOSE WERE  
22       EXHIBITS FROM YOUR FILE VERSUS THE COUNTY'S FILE?

23              A     THE MAJORITY OF THE LETTERS ARE PRETTY  
24       SPECIFIC.  I KNOW THE LANGUAGE THAT NORMALLY IS SENT  
25       FROM LA DCFS, AND I RECOGNIZE THE SIGNATURES.

26              Q     OKAY.  BUT DO YOU KNOW IF THERE WERE EXHIBITS  
27       MISSING FROM THE DIFFERENT REPORTS THAT YOU JUST  
28       REVIEWED?

1           A     I WOULDN'T KNOW THAT.

2           Q     OKAY.  AND YOU DON'T KNOW IF ANYTHING WAS  
3     ADDED TO THOSE DIFFERENT EXHIBITS?

4           A     I WOULDN'T KNOW THAT.

5           Q     OKAY.  IT JUST LOOKS LIKE THEY WOULD BE  
6     DOCUMENTS THAT WOULD BE IN YOUR FILE?

7           MR. PRAGER:  VAGUE.  OBJECTION:  VAGUE.

8           THE COURT:  OVERRULED.

9           THE WITNESS:  ON THE DOCUMENTS THAT WERE 2, 3  
10    PAGES, 4 PAGES, OR LETTERS OR REPORTS COMING IN FROM  
11    THE COUNTY AND LETTERS FROM US, I CAN PRETTY MUCH SAY  
12    THAT THEY'RE THE ORIGINAL FILES -- IN THE ORIGINAL CASE  
13    FILE.

14                    NOT THE VOLUMINOUS PAPERWORK.  I WOULDN'T  
15    KNOW.

16    BY MS. SWISS:

17           Q     AND YOU DON'T KNOW -- LET ME SEE IF I  
18    UNDERSTAND YOU CORRECTLY.

19                    THE LETTERS YOU LOOKED AT, THE REPORTS YOU  
20    LOOKED AT, THEY APPEAR TO BE A PART OF YOUR CASE FILE,  
21    BUT YOU DON'T KNOW IF THEY'RE COMPLETE BECAUSE YOU  
22    DON'T HAVE ALL THE EXHIBITS ET CETERA TO REVIEW?

23           A     THE MAJORITY OF THE LETTERS THAT I'VE SEEN  
24    HERE ARE 1- OR 2-PAGE LETTERS, AND THE REPORT APPEAR TO  
25    BE DOCUMENTS FROM THE ORIGINAL FILE.

26           Q     BUT THE REPORTS YOU'RE LOOKING AT THAT  
27    MR. PRAGER SHOWED YOU, THEY DIDN'T HAVE ALL THE  
28    EXHIBITS ATTACHED, TO YOUR KNOWLEDGE?



1           A       EXCUSE ME?  AGAIN.

2           Q       THE REPORTS THE COUNTY SUBMITTED, THEY DIDN'T  
3           HAVE ALL THE EXHIBITS ATTACHED, TO YOUR KNOWLEDGE, DID  
4           THEY?

5                   MR. PRAGER:  OBJECTION:  CALLS FOR  
6           SPECULATION.

7           BY MS. SWISS:

8           Q       WELL, YOU JUST REVIEWED THEM.  RIGHT?

9                   THE COURT:  YES.  OVERRULED.

10                  THE WITNESS:  THERE IS TONS OF INFORMATION  
11           HERE.  I CAN'T CONFIRM THAT IT'S ALL THERE.

12           BY MS. SWISS:

13           Q       UNDERSTOOD.  NOW, I WANTED TO JUST CLARIFY A  
14           STATEMENT ABOUT ONE OF THE LETTERS THAT YOU TOOK A LOOK  
15           AT.  IF YOU CAN TURN TO EXHIBIT 225?

16           A       225?

17           Q       YES.  AND THAT'S PAGE 3096.

18           A       I'M SORRY.  225 FIRST.  RIGHT?

19           Q       YES.  THAT'S THE EXHIBIT.  AND THEN THE NUMBER  
20           AT THE TOP IS 3096.

21                   DO YOU SEE THAT?

22           A       YES.

23           Q       NOW, EARLIER YOU TESTIFIED THAT YOU BELIEVE  
24           THIS LETTER STATED THAT MS. SCHEELE -- I'M SORRY -- THE  
25           COUNTY FOUND THAT MS. SCHEELE HAD VIOLATED MS. DUVAL'S  
26           CIVIL RIGHTS ON THE BASIS OF HER NATIONAL ORIGIN.

27                   IS THAT AN ACCURATE STATEMENT?

28           A       YES.

1 Q NOW, IF YOU TAKE A LOOK AT THAT LETTER -- CAN  
2 YOU TAKE A LOOK AT THAT LETTER AND LET ME KNOW IF, UPON  
3 READING THAT LETTER, THAT'S STILL YOUR CONCLUSION?

4 A YES.

5 Q AND WHAT IS YOUR CONCLUSION?

6 A MY CONCLUSION IS IT'S A LETTER GOING TO ONE OF  
7 THE WORKERS FROM THE COUNTY.

8 Q OKAY. AND IT STATES IN THE MIDDLE THERE,  
9 "ALTHOUGH THE INVESTIGATION OF MS. DUVAL'S COMPLAINT  
10 DID NOT REVEAL A VIOLATION OF HER CIVIL RIGHTS BASED  
11 UPON HER NATIONAL ORIGIN."

12 DO YOU SEE THAT?

13 A YES.

14 Q AND SO DID THE COUNTY DID NOT ACTUALLY FIND  
15 THAT MS. SCHEELE VIOLATED MS. DUVAL'S RIGHTS ON THE  
16 BASIS OF NATIONAL ORIGIN.

17 DO YOU AGREE WITH ME?

18 A I AGREE WITH READING IT HERE. YES.

19 Q NOW, IN YOUR JOB -- AT THAT TIME, YOUR  
20 POSITION WAS CIVIL RIGHTS CONSULTANT. IS THAT RIGHT?

21 A YES.

22 Q AND YOUR OFFICIAL GOVERNMENT TITLE AT THE  
23 TIME, THAT WAS ASSOCIATE GOVERNMENT PROGRAM ANALYST?

24 A RIGHT.

25 Q OKAY. AND YOU STARTED IN THAT POSITION  
26 ABOUT 2007?

27 A APPROXIMATELY, YES.

28 Q OKAY. NOW, IN YOUR JOB, AT THAT TIME, FOR LA

1 COUNTY, YOU DON'T ACTUALLY INVESTIGATE CIVIL RIGHTS  
2 COMPLAINTS. RIGHT?

3 A I DO NOT.

4 Q YOU REVIEW THE COMPLAINTS FROM THE VARIOUS  
5 COUNTIES THAT YOU WORK WITH?

6 A RIGHT.

7 Q OKAY. NOW, THE STATE DOES NOT ASSIGN  
8 INVESTIGATORS TO INVESTIGATE ANY COMPLAINTS?

9 A WE DON'T.

10 Q OKAY. AND WHAT YOU DO IS MORE OF A COMPLIANCE  
11 REVIEW?

12 A WE -- THAT'S PART OF OUR JOB. WE DO  
13 COMPLIANCE REVIEWS.

14 Q OKAY. AND THE COMPLIANCE REVIEWS, YOU HELP  
15 THE COUNTIES IN THEIR INTERPRETATION OF TITLE 21,  
16 THINGS LIKE THAT?

17 MR. PRAGER: OBJECTION: VAGUE AS TO HELP.

18 THE COURT: OVERRULED.

19 THE WITNESS: WHEN WE DO COMPLIANCE REVIEWS,  
20 WE DO FOR ADA ACCESSIBILITY AND FOR GENERAL CASE  
21 DOCUMENTATION.

22 BY MS. SWISS:

23 Q SO NOT IN THE CONTEXT OF THESE CIVIL RIGHTS  
24 INVESTIGATIONS?

25 A NO.

26 Q SO BY COMPLIANCE REVIEWS, YOU MEAN YOU SEND  
27 PEOPLE OUT TO VARIOUS BUILDINGS TO CHECK FOR WHEELCHAIR  
28 RAMP ACCESS, THE CORRECT INGRESS AND EGRESS, THAT KIND

1 OF THING?

2 A I DON'T PERSONALLY SEND THEM OUT. I GO OUT  
3 MYSELF.

4 Q OKAY. SO PART OF YOUR JOB IS TO GO OUT TO THE  
5 BUILDINGS AND MAKE SURE THAT THEY'RE COMPLYING WITH ADA  
6 REQUIREMENTS?

7 A YES.

8 Q AND THAT'S KIND OF CONSTRUCTION-RELATED,  
9 DESIGN-RELATED, IN THE BUILDINGS?

10 A YES.

11 Q AND IT'S A TOTALLY SEPARATE PART OF YOUR JOB  
12 IN REVIEWING THE CIVIL RIGHTS INVESTIGATION REPORTS  
13 FROM COUNTIES. RIGHT?

14 A RIGHT.

15 Q OKAY. THANK YOU FOR THAT CLARIFICATION. NOW,  
16 WITH THE CIVIL RIGHTS INVESTIGATIONS DONE BY COUNTIES,  
17 LET ME SEE IF I UNDERSTAND CORRECTLY. SO A COMPLAINT  
18 COMES IN TO THE COUNTY. WITH ME SO FAR?

19 A MM-HMM.

20 Q AND THEN THEY SUBMIT IT TO YOU TO GET A CASE  
21 NUMBER. RIGHT?

22 A RIGHT.

23 Q AND THEN YOU AND THE COUNTY AGREE THAT THERE'S  
24 JURISDICTION. RIGHT?

25 A RIGHT.

26 Q AND IF -- AND SO, FOR EXAMPLE, THE COUNTY OF  
27 LA GETS A COMPLAINT ABOUT THE COUNTY OF VENTURA, YOU  
28 WOULD SAY IT'S NOT JURISDICTIONAL FOR THE COUNTY OF LA

1 TO GET THAT. SOMETHING LIKE THAT?

2 A WE ASK THEM TO REFER TO VENTURA.

3 Q OKAY. OKAY. SO WOULD YOU AGREE THAT THE  
4 COUNTY THEN SHOULD INVESTIGATE IF IT'S JURISDICTIONAL?

5 A CORRECT.

6 Q AND AT SOME POINT THEN THE COUNTY IS GOING TO  
7 DO ITS INVESTIGATION?

8 A RIGHT.

9 Q RIGHT? AND THE COUNTY WORKER WILL TALK TO THE  
10 COMPLAINING PARTY. RIGHT?

11 A THE INVESTIGATOR.

12 Q THE INVESTIGATOR. THE COUNTY INVESTIGATOR  
13 TALKS TO THE PERSON, RIGHT, THAT'S WHAT YOU WOULD  
14 EXPECT?

15 A RIGHT.

16 Q AND THEY WOULD TALK TO THE PERSON WHO'S BEING  
17 COMPLAINED ABOUT?

18 A RIGHT.

19 Q AND THEY WOULD GATHER DOCUMENTARY EVIDENCE  
20 THAT THEY CAN ACCESS. RIGHT?

21 A RIGHT.

22 Q AND, YOU KNOW, TALK TO ANY OTHER COLLATERAL  
23 WITNESSES. RIGHT?

24 A RIGHT.

25 Q SO THEY DO THE INVESTIGATION, AND THEN THEY  
26 PREPARE A REPORT?

27 A THE COUNTY DOES.

28 Q THE COUNTY PREPARES THE REPORT, AND THEN THE

1 COUNTY SENDS THEIR REPORT TO YOU FOR REVIEW?

2 A YES.

3 Q OKAY. NOW, WHAT DO YOU THEN DO WITH THAT  
4 REPORT? WHAT DO YOU DO WITH IT?

5 A I REVIEW IT AS WE RECEIVE IT, FOR COMPLETION.  
6 IT'S A -- IT'S A GENERAL OVERVIEW. I MAKE SURE THAT  
7 THEY ARE IN THE RIGHT FORMAT.

8 WE MAKE SURE THAT THE -- ALL WITNESSES NOTED  
9 HAVE BEEN QUESTIONED AND ANY SUPPORTING DOCUMENTS ARE  
10 PROVIDED.

11 Q SO YOU DON'T CONTACT ANY OF THE WITNESSES  
12 YOURSELF. CORRECT?

13 A NO.

14 Q AND YOU DON'T GATHER THE DOCUMENTS YOURSELF.  
15 CORRECT?

16 A WHAT DOCUMENTS?

17 Q THE DOCUMENTS -- YOU DON'T GO OUT AND SEEK  
18 DOCUMENTS TO CONFIRM THE INVESTIGATION?

19 A THE INVESTIGATION IN ITS ENTIRETY IS DONE BY  
20 THE COUNTY.

21 Q OKAY. AND THEN AFTER YOU REVIEW IT, WHAT DO  
22 YOU DO WITH IT?

23 A I NORMALLY SUBMIT A REPORT OR A -- I PUT  
24 TOGETHER A CLOSURE LETTER AND SUBMIT IT TO THE MANAGER  
25 OF CIVIL RIGHTS.

26 AND HE IN TURN, YOU KNOW, TAKES TIME TO REVIEW  
27 THE REPORT AND CONCUR WITH MOVING FORWARD WITH THE  
28 LETTER TO THE COUNTY.

1 Q AND SO YOUR BOSS, THAT'S MR. TOSHIMA, AT THAT  
2 TIME?

3 A RIGHT.

4 Q SO YOU WOULD SEND THE REPORT AND YOUR LETTER  
5 TO YOUR BOSS. AND THEN IS IT YOUR UNDERSTANDING THAT  
6 HE WOULD REVIEW IT?

7 A RIGHT.

8 Q AND IF HE AGREED THAT THE COUNTY HAD DONE ITS  
9 INVESTIGATION, THEN YOU SEND THE LETTER TO THE COUNTY  
10 SAYING IT'S OKAY TO CLOSE THE FILE?

11 A RIGHT.

12 Q ALL RIGHT. SO THE STATE DOESN'T ACTUALLY MAKE  
13 ANY SUBSTANTIVE FINDINGS. CORRECT?

14 A WE DON'T.

15 Q OKAY. SO WE TALKED ABOUT YOUR INPUTTING OF  
16 INFORMATION INTO YOUR DATABASE, INTO YOUR COMPUTER.  
17 REMEMBER THAT, WITH MR. PRAGER?

18 A RIGHT.

19 Q AND THE INFORMATION THAT YOU PUT IN THE  
20 COMPUTER, THAT IS LANGUAGE THAT YOU TAKE FROM THE  
21 REPORT SUBMITTED BY THE COUNTY?

22 A THAT IS -- YES, WHEN I GET IT.

23 Q OKAY. SO THE COUNTY MAKES ITS FINDING, AND  
24 THEN YOU TAKE THE INFORMATION AND PUT IN YOUR DATABASE.  
25 CORRECT?

26 A WHAT WE NORMALLY DO, IS INITIALLY WE -- IT'S A  
27 TRACKING DATABASE, HOW WE TRACK OUR CASES. AND IF WE  
28 HAVE ADDITIONAL NOTATIONS THAT NEED TO GO IN THERE, WE

1 PUT THEM IN THE CASE.

2 NOTATIONS COULD GO IN THERE EVEN, YOU KNOW,  
3 AFTER A WHILE, AFTER A CERTAIN PERIOD OF TIME, IF OTHER  
4 DOCUMENTS COME IN.

5 Q OKAY. SO IN YOUR EXHIBIT 205, PAGE 2712.

6 A OKAY.

7 Q SO YOU SEE THE BIG -- THE BIGGEST WHITE BOX ON  
8 THAT PAGE?

9 A MM-HMM. YES.

10 Q THAT'S INFORMATION THAT YOU WOULD INPUT INTO  
11 THE COMPUTER SYSTEM THAT YOU DISTILLED FROM THE  
12 COUNTY'S REPORT?

13 A RIGHT.

14 Q OKAY. SO THAT'S NOT THE STATE'S OWN FINDING.  
15 IT'S JUST REPEATING WHAT THE COUNTY FOUND IN ITS  
16 INVESTIGATION?

17 A CORRECT.

18 Q OKAY. NOW, WE TALKED EARLIER THAT YOU,  
19 YOURSELF, WEREN'T AWARE THAT THE COUNTY HAD SUBMITTED  
20 ADDITIONAL INVESTIGATION REPORTS TO THE STATE UNTIL  
21 WHAT, NOVEMBER OF 2014?

22 A CORRECT.

23 Q THAT WAS A SURPRISE. HUH?

24 A SURPRISE? IT WAS -- I DON'T KNOW IF IT WAS A  
25 SURPRISE. IT'S -- IT'S -- I DON'T KNOW.

26 Q SO YOU CLOSED YOUR FILE IN SEPTEMBER OF 2010.  
27 RIGHT?

28 A RIGHT.



1 Q AND THEN FOUR YEARS LATER, YOU FOUND OUT,  
2 SURPRISE, THAT THERE'S MORE REPORTS TO THIS FILE?

3 A WELL, I DON'T LOOK AT IT AS SURPRISE. I LOOK  
4 AT IT AS MORE INFORMATION.

5 Q OKAY. AND WHEN -- DO YOU KNOW -- SO WHEN YOU  
6 FOUND OUT ABOUT THOSE REPORTS IN 2014, DID YOU GO BACK  
7 AND FIGURE OUT WHY THOSE WERE NEVER BROUGHT TO YOUR  
8 ATTENTION WHEN THEY WERE SUBMITTED?

9 A NO.

10 Q AND DO YOU KNOW IF ANYONE EVER REVIEWED THOSE  
11 ADDENDUM REPORTS?

12 A I AM UNAWARE IF ANYBODY ELSE REVIEWED THEM.

13 Q OKAY. SO ALL YOU KNOW IS AT SOME TIME THOSE  
14 ADDENDUM REPORTS GOT TO THE STATE AND, TO YOUR  
15 KNOWLEDGE, NO ONE REVIEWED THEM?

16 A I DID NOT SEE THE REPORTS UNTIL NOVEMBER 2014.

17 Q OKAY.

18 MS. SWISS: I HAVE NO FURTHER QUESTIONS.

19 THE COURT: MR. PRAGER, ANYTHING FURTHER?

20 MR. PRAGER: THANK YOU, YOUR HONOR. YES.

21

22 DIRECT EXAMINATION

23 BY MR. PRAGER:

24 Q DO YOU RECALL BEING ASKED ABOUT YOUR  
25 DEPOSITION?

26 A EXCUSE ME?

27 Q DO YOU RECALL BEING ASKED ABOUT YOUR  
28 DEPOSITION?

1           A     YES.

2           Q     DO YOU RECALL BEING ASKED ABOUT THE EXHIBITS  
3 TO YOUR DEPOSITION?

4           A     ABOUT THE EXHIBITS?

5           Q     YES.

6           A     YES.

7           Q     DO YOU RECALL BEING ASKED IF ALL THE DOCUMENTS  
8 BEFORE YOU WERE TRUE AND CORRECT COPIES OF STUFF THAT  
9 WAS IN YOUR DEPOSITION?

10          A     YES.

11          Q     I CAN APPROACH WITH EXHIBITS 1 THROUGH 15,  
12 WHICH ARE FOUR BINDERS FULL OF DOCUMENTS.

13                   DO YOU WANT TO READ THESE RIGHT NOW?

14          A     IF YOU WANT TO WAIT, I'LL DO IT.

15          Q     NO, NO. IS THERE ANY INFORMATION YOU BELIEVE  
16 THAT WAS OMITTED FROM YOU IN YOUR REVIEW OF YOUR  
17 CUSTOMARY ORDINARY BUSINESS RECORDS?

18          A     WOULD YOU REPEAT THAT AGAIN?

19          Q     SURE. I'LL REPHRASE IT FOR YOU. YOU SEE A  
20 LOT OF LETTERS THAT HAVE THE SAME TYPE OF FORMAT.  
21 CORRECT?

22          A     YES.

23                   MS. SWISS: OBJECTION: VAGUE.

24                   THE COURT: OVERRULED.

25 BY MR. PRAGER:

26          Q     I ASKED YOU TO REVIEW A BUNCH OF DOCUMENTS  
27 HERE TODAY. IS THAT CORRECT?

28          A     YES.

1 Q THE DOCUMENTS YOU REVIEWED, BASED UPON YOUR  
2 PAST EXPERIENCE, KNOWLEDGE, AND TRAINING, IN YOUR  
3 CURRENT -- OR YOUR FORMER OCCUPATION -- DID THE  
4 DOCUMENTS APPEAR COMPLETE AS THEY WERE OFFERED TO YOU?

5 MS. SWISS: OBJECTION: VAGUE, LACKS  
6 FOUNDATION.

7 THE COURT: OVERRULED. ASK HIM HOW THEY  
8 APPEARED TO HIM.

9 BY MR. PRAGER:

10 Q GO AHEAD.

11 A BECAUSE I SEE LETTERS OF THIS NATURE ALL THE  
12 TIME FROM THE DEPARTMENT OF SOCIAL SERVICES IN LA,  
13 CHILDREN AND FAMILY SERVICES, THOSE DOCUMENTS APPEAR  
14 CUSTOMARY AS TO WHAT I NORMALLY GET.

15 Q NOW, YOU WERE ASKED ABOUT EXHIBIT 225, DO YOU  
16 RECALL THAT?

17 A I DON'T.

18 Q IT'S BEFORE YOU. I CAN PUT IT BEFORE YOU IF  
19 YOU NEED ME TO.

20 A OH. YES.

21 Q THIS WAS A JULY 31, 2010, LETTER REGARDING  
22 VICTORIA SCHEELE. IS THAT CORRECT?

23 A CORRECT.

24 Q DO YOU RECALL BEING ASKED ABOUT THE LINE IN  
25 EXHIBIT 225 REGARDING THE NATIONAL ORIGIN ISSUE FOR  
26 MS. SCHEELE? YOU CAN JUST INDICATE IF YOU RECALL BEING  
27 ASKED THE QUESTION.

28 A I DON'T RECALL.

1 Q OKAY. LET ME DRAW YOUR ATTENTION TO THE  
2 SECOND FULL SENTENCE OF EXHIBIT 225.

3 A WHERE IT SAYS, "DO NOT CONTACT"?

4 Q THE SECOND SENTENCE WOULD BE, "A THOROUGH  
5 INVESTIGATION"?

6 A OH, I'M SORRY. YES. YES, I DO SEE THAT.

7 Q AND THAT LINE CONFIRMS THAT THE INVESTIGATION  
8 REVEALED A VIOLATION OF CLIENT RAFAELINA DUVAL'S CIVIL  
9 RIGHTS ON THE BASIS OF DISABILITY. IS THAT CORRECT?

10 A CORRECT.

11 Q NOW, YOU ALSO DISCUSSED YOUR ROLE -- STRIKE  
12 THAT. YOU ALSO DISCUSSED CDSS'S ROLE IN SUPERVISION  
13 OVER THE COUNTIES. IS THAT CORRECT?

14 A CORRECT.

15 Q AND IT IS TRUE THAT DCFS CANNOT CLOSE A FILE  
16 UNTIL YOU ALLOW THEM TO, MEANING YOUR OFFICE. IS THAT  
17 CORRECT?

18 MS. SWISS: OBJECTION: OUTSIDE THE SCOPE AND  
19 ASKED AND ANSWERED ON DIRECT.

20 THE COURT: SUSTAINED. BEYOND THE SCOPE.

21 MR. PRAGER: OKAY.

22 BY MR. PRAGER:

23 Q DO YOU BELIEVE THAT THE COUNTY OF LOS ANGELES  
24 IS ALLOWED TO INVESTIGATE ITSELF FOR CIVIL RIGHTS  
25 VIOLATIONS --

26 MS. SWISS: OBJECTION --

27 THE COURT: WAIT TIL HE FINISHES, PLEASE.

28

1 BY MR. PRAGER:

2 Q WITHOUT ANY OVERSIGHT BY CDSS?

3 MS. SWISS: OBJECTION: EXCEEDS THE SCOPE,  
4 LACKS FOUNDATION.

5 THE COURT: SUSTAINED AS TO SCOPE.

6 BY MR. PRAGER:

7 Q DO YOU RECALL BEING ASKED BY MS. SWISS IF CDSS  
8 DOES ANY INVESTIGATION OF THE SOCIAL WORKERS ON BEHALF  
9 OF THE COUNTY?

10 A WOULD YOU REPEAT THAT?

11 Q YEAH. DO YOU RECALL BEING ASKED BY MS. SWISS  
12 IF CDSS DOES ANY INVESTIGATION AT THE COUNTY LEVEL?

13 A WE DON'T.

14 Q SO, AGAIN, IN TERMS OF YOUR RESPONSIBILITY FOR  
15 CIVIL RIGHTS INVESTIGATIONS, DO YOU HAVE TO APPROVE THE  
16 COUNTY'S FINDINGS BEFORE THE COUNTY CAN CLOSE ANY CIVIL  
17 RIGHTS INVESTIGATIONS UNDER YOUR JURISDICTION?

18 MS. SWISS: OBJECTION: ASKED AND ANSWERED ON  
19 DIRECT, EXCEEDS THE SCOPE OF CROSS.

20 THE COURT: SUSTAINED.

21 BY MR. PRAGER:

22 Q BASED ON YOUR KNOWLEDGE, TRAINING, AND  
23 EXPERIENCE, DO YOU HAVE ANY UNDERSTANDING OF ANY OTHER  
24 ORGANIZATIONS OR SERVICES THAT INVESTIGATE CIVIL RIGHTS  
25 COMPLAINTS ON BEHALF OF PERSONS IN LOS ANGELES COUNTY,  
26 THE PUBLIC, OTHER THAN YOURSELF?

27 MS. SWISS: OBJECTION: EXCEEDS THE SCOPE.

28 THE COURT: SUSTAINED.

1 MR. PRAGER: THANK YOU, YOUR HONOR.

2 THE COURT: ANYTHING FURTHER?

3 MS. SWISS: NO, THANK YOU.

4 THE COURT: ALL RIGHT. THANKS VERY MUCH.

5 YOU'RE EXCUSED. I WANT TO THANK YOU FOR BEING HERE.

6 AND WE'RE GOING TO TAKE THE AFTERNOON RECESS.

7 WE'LL RESUME TOMORROW, 9:00 A.M. FOR THE JURY. ALL

8 JURORS, PLEASE REMEMBER THE ADMONITION. DO NOT DO ANY

9 INVESTIGATION.

10 DON'T DO ANYTHING TO OBTAIN OR TO RECEIVE ANY

11 INFORMATION ABOUT ANY PERSON OR SUBJECT OR ISSUE

12 INVOLVED IN THE CASE. DO NOT FORM NOR EXPRESS ANY

13 OPINION ON ANY SUBJECT OR ISSUE IN THE CASE.

14 WE'RE NOW IN RECESS. WE'LL RESUME TOMORROW AT

15 9:00 A.M.

16 (JURY EXCUSED)

17 THE COURT: I'LL SEE COUNSEL IN THE MORNING AT

18 8:30.

19

20 (WHEREUPON, AT THE HOUR OF 4:27 P.M.,

21 THE PROCEEDINGS WERE ADJOURNED.)

22

23 ---000---

24

25 (THE NEXT PAGE NUMBER IS 5701)

26

27

28