21 A. I'm not sure.

23

25

22 Q. Okay. Are there any other differences between

24 A. Like, we -- before, my ID, it said B -- oh, yeah.

When I was in the Rochester schools, it said I was a

Transitions and Options?

## MICAH FIALKA-FELDMAN October 8, 2009

Page 17 Page 19 Q. Is there a name for this program? 1 guest and then when I became in the Options program, 2 A. It was the -- it was -- it was -- it was the my ID says I am a student. 3 Transitions program. Q. Okay. Is that still what your --4 Q. Okay. Do you know when that program started? A. Yeah. A. It started in I -- I think -- yeah, fall of -- fall of Q. - ID says? **'03**. 6 A. Yeah. Q. Okay. And how long did you continue to participate in 7 Q. Anything else? 8 this Transitions program? A. No. 8 A. Like, I think -- I think it -- I think -- like, how --9 Q. Okay. And when did you start in the Options program? like, I -- I was going to go there for a while, then a 10 10 A. I started in, I think -- I think, fall of 2006. 11 cup -- I think in 2005 or, like, 5 or 6, they said 11 Q. Okay. And are you still in the Options program? 12 that people who are only in the schools of Rochester 12 A. Yes. 13 could be in, like, the -- in, like, the program. Q. Okay. Are you -- are you -- when -- when are you 13 14 Q. And then what happened? 14 planning to stop --15 A. And then I just went to -- I, like, took classes and 15 A. I'll be --16 my teacher from high school talked to -- talked to, 16 Q. -- participating in the Options program? 17 like -- talked to, like, the college of -- she, like, 17 A. I'll be graduating in May. 18 helped me able to take -- take, like, classes at -- at 18 Q. Okay. What do you mean by graduating? 19 the college and stuff. 19 A. I'll be done with, like, my time at the college. 20 Q. Okay. Were those the same types of classes that you 20 O. Okav. 21 took when you were in Transitions? A. Like, I'm -- like -- like, to me -- to me, graduation, 21 22 A. Yeah. 22 I'll be, like, graduating from the college and then 23 Q. Okay. And how long were you doing -- on campus doing being, like, a person that graduated from the school. 23 24 that kind of program? 24 Q. Okay. You won't be getting a degree from college, 25 A. I think until -- I think until 2000 and -- wait, 2006. 25 though, will you? Page 18 Page 20 1 Because I think the -- think the -- I think the 1 A. No, but I'm -- I'm hoping to get -- I'm hoping to get 2 Options program started in 2006, I think. 2 like a certificate or something that says I attended 3 Q. Okay. And what's your understanding as to what the so many classes and I put lots of work into the 3 4 Options program is? school. 5 A. My understanding of the Options program is that we, Q. But right now you have -- no one's told you that you 5 6 like -- we -- we go to col -- we go to OU, and we take will get that kind of certificate --6 7 classes, and we go through the whole -- we, like --7 8 we -- we, like -- we, like, do the -- take classes. 8 0. -- correct? 9 We can go to all the -- all the activities and join 9 10 all the clubs and, like -- and, like -- and -- and, 10 Q. Is that correct? 11 like -- and, like, have the full college life. 11 A. Yes. 12 Q. Okay. And how was Options different from Transitions? 12 Q. Okay. 13 A. Because -- because in -- in, like, the Options program 13 A. Yes. 14 that we -- I -- we are paying college tuition like any 14 Q. So -- so you plan on stop -- no longer attending the 15 other student that goes to the college. Like -- like, 15 school after May -in, like, the other programs, we didn't have to pay 16 16 A. Yeah. 17 any college -- any college checks to come to school. 17 Q. -- correct? 18 Q. But in the Transitions program, the schools paid for 18 What are your plans after that? 19 you to participate in that program; is that true? Do 19 A. I'm -- it'll be a big -- big -- big, like, time of 20 you know? transition and I will start maybe -- maybe still



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speaking around the country and trying to find a job

and keep -- and -- and -- and, like, keep hanging out

with my friends and trying something new and stuff.

you remember answering interrogatories in this case?

24 Q. Okay. So why don't you tell me -- well, let's -- do

Page 97 class but she, like, goes over, like, notes with me or, like, she meets with my peer tutors.

3 Q. And you took two other classes?

A. Yeah.

1

Q. And what were they?

A. I can't -- I can't recall the classes.

Q. Do you recall taking a class called Organization and

Technology?

A. I don't think so.

10 Q. Do you recall taking a class called Multicultural

11 Communications?

12 A. Yeah.

13 Q. Okay. What was that class about?

14 A. It was about -- it was about -- it was about -- it was

about -- it was about multicultural groups.

16 Q. Okay. And what about them?

17 A. About how they work and how they -- how they, like --

18 what kind of groups are there and stuff.

19 Q. Okay. And what kinds of things did you learn?

20 A. I learned about, like -- I learned, like, lots of

21 stuff. I can't -- I, like -- I can't recall of all

the stuff I learned. 22

23 Q. Okay. Can you recall anything that you learned?

24 A. I'm not sure right now.

25 Q. Okay. What -- do you know if -- if there was any --

1 A. Maybe every time before class or after.

2 Q. So every day you met with the peer tutor?

3 A. Most times.

Q. How long would you meet with the peer tutor?

A. Maybe, like, a half hour or maybe, like -- maybe,

like, ten minutes.

7 Q. So anywhere from 10 minutes to 30 minutes you --

A. Yeah.

Q. -- you would talk about what's going on in the class?

A. Yeah.

11 Q. And is that when you would do your studying --

12 A. Yeah.

13 Q. -- for that class?

14 A. Yeah.

15 Q. Would you do your studying without a peer tutor?

16 A. Most times. But I -- I have peer tutors and then I

have other friends that help me too.

18 Q. Now, so you would go to -- do you remember a class in

19 the prior fall, in the fall of 2008, last year, on

20 social psychology?

21 A. Yeah.

17

22 O. Okay. What was that class about?

23 A. Social -- social psychology is about, like, how, like,

24 things work and stuff and how people are and stuff, I

25 think.

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if there were any exams in that class?

2 A. Yeah. They -- like, exams, like, I took -- I took,

like, quizzes, and I had a peer tutor that helped me 3

take the guiz.

5 Q. What's a peer tutor?

6 A. Oh, a peer tutor is someone that helps me in the class

and helps me with notes or helps me -- helps me, like,

8 with the assignments and I, like -- each class, I go

to the teacher, like, not the first class, but the 9

10 second class, I go to the teacher and ask if I can 11

make like -- I'm a student that goes to OU. I'm in

12 the Options program, and I'm a student that goes to OU

13 and I'm trying find a student that can help me in the

14 class, and most times they raise their hands and help

15

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16 Q. So every class there's someone that volunteers to be a

17 peer tutor?

18 A. Yeah.

19 Q. Is it one peer tutor for the entire class?

20 A. Yeah.

21 Q. For the entire term?

22 A. Yeah.

23 Q. Do you recall who the peer tutor was for that class?

24 A. I'm not sure.

25 Q. And how often would you meet with a peer tutor?

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Page 99

1 Q. Okay. Do you remember anything specific that you

learned in that class?

3 A. I'm not sure right now.

Q. Okay. What -- but you normally would have one Options

5 period of the day that you would talk to Janice or

6 someone else in the Options program?

7 A. No, no. Jane.

Q. Jane. Janice is the your mother.

9 A. Yeah.

10 Q. I'm sorry. You would talk to Jane for usually an hour

11 a day?

12 A. Yeah.

13 Q. Where -- would it always be Jane or would it sometimes

14 be Leah?

15 A. Leah did help before Jane came along, but -- but after

16 Jane came on, Jane helped me.

17 Q. Okay. And were other Options participants there with

18 you at the same time?

19 A. No. No, it's -- it's just her and I.

20 Q. Okay. And that's the way it's always been --

21 A. Yeah.

22 Q. -- at that time?

23 A. Yeah.

24 Q. And so you would have that once a day, and then you

25 would have a couple of other classes that you would go

Page 101 Page 103 1 to? 1 A. Yeah. 2 A. Yeah. 2 Q. You still have to tell the truth? 3 Q. How did you choose which classes to take? A. Yeah. A. I -- I -- I, like, asked some of my friends sometimes Q. And you still understand what the oath means? what kind of classes they would take and then I went 5 A. Yeah. 6 through the catalogs like any other college student 6 Q. The -- you remember taking a course in Middle East does. They, like, look through the catalog and pick 7 studies? 8 classes, and I, like -- I, like -- I, like, would, 8 A. Yeah. like, pick a class that seemed -- seemed, like --9 Q. Do you remember when you took that course? 10 seemed, like -- seemed, like -- seemed, like, cool and 10 A. I'm not sure when I took it. I don't --11 interesting that I would learn some things from it. 11 Q. Okay. What was that class about? 12 Q. Someone help you pick that class --12 A. It was about a -- it was about the history of the 13 A. Yeah. 13 Middle East. 14 Q. -- the class? 14 Q. What is the Middle East? 15 Who? A. It's -- it is the country close to -- close to, 15 16 A. Jane. 16 like -- close to Jordan and it's a country that I, 17 Q. Do you know if you were limited as to which classes 17 like, took a class on and I learned about -- I learned 18 you were eligible to take? 18 about some things about the class. 19 A. I -- I just took classes that weren't like high --19 Q. You took a class in safety and first aid? 20 high level, but I, like, wasn't -- I wasn't, like, 20 A. Yeah. 21 turned down by any class. 21 Q. Is that a regular --22 Q. Okay. But do you know what PST stands for? 22 A. Yeah. 23 A. Yeah. 23 Q. -- regular class? 24 Q. Were - do you know that those were the classes, the 24 A. Yeah. And I learned about, like, first aid and I 25 PST codes that you were allowed to consider? 25 learned about how to -- if someone cut themself, to Page 102 Page 104 1 A. Yeah. hold it and put, like -- and put things on the cut and 1 2 Q. Okay. And not other classes, just the ones with PST, 2 3 correct? 3 Q. You participate in a number of activities on campus: 4 A. Like, what do you mean? is that correct? 5 Q. If the class did not have a PST number, you weren't 5 A. Yes. able to apply for that class. Q. What activities do you participate in? 7 A. But -- but -- but I just -- how it worked is I went 7 A. I help in -- I help in Alpha Phi Omega. It's a --8 through the catalog. I didn't -- the -- I don't see it's a community service co-ed fratemity. 8 9 the catalog that has PST. That's only when I see 9 Q. Okay. How often do you do things with them? 10 Jane, like --10 A. I -- I -- I, like, do activities every week. But 11 Q. Okay. And she tells you whether it's a PST class, there's a -- there's a meeting every Sunday, and I 11 12 whether it's a good class? 12 have to find drivers to drive me because if I, like, 13 A. These are just the codes of the program, but I -live on campus, I could just go to the meeting and --13 14 like, how I do it is I, like -- on my schedule, it 14 and don't have to find -- find, like, people to drive doesn't say PST, it says the class that is offered 15 15 16 through the college, like Com II, or III or -- it 16 Q. So who drives you? 17 doesn't say PS. 17 A. Sometimes my friends and sometimes my parents. 18 Q. Okay. But Jane would tell you whether or not you were 18 Q. Okay. And that's every Sunday? 19 eligible to take that class or not? 19 A. Yeah. 20 A. Yeah. 20 Q. Is that just this term that that happens? 21 Q. Okay. 21 A. No, no, no. It's been going on -- I started -- no, 22 A. But most times, I have never been turned down by a 22 no. I -- it's -- it's, like, a -- it's, like, every 23 23 term. 24 Q. I'm sorry. When we came back after lunch, are you 24 Q. Okay. What time do they meet on Sundays? 25 aware that you're still under oath? 25 A. 5:00.

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- 1 Q. For how long?
- A. An hour.
- O. Where?
- A. At the school.
- O. Where?
- A. In the -- in the OC.
- Q. How many students attend those meetings?
- A. Maybe 10 to 12.
- 9 Q. Okay. How many of those students live on campus, do
- 10 you know?
- 11 A. I'm not sure.
- 12 Q. Is it -- isn't it true that many of them don't live on
- 13 campus?
- 14 A. I would say maybe, like -- maybe two out of three live
- 15 on campus.
- 16 Q. So you meet, and what happens during these meetings?
- 17 A. Are you talking about how -- how, like -- how our
- 18 chapter's going and -- and what's -- what's coming up
- 19 and stuff?
- 20 Q. Well, what do you do during those meetings?
- 21 A. I, like, give my -- I, like, share my input.
- 22 Q. Such as?

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- 23 A. I -- I, like -- I, like share that maybe one time we
- 24 could do a -- a soup kitchen. Or, like, at the -- at,
- 25 like, the -- at, like, the end of the meeting they --

- Q. Okay. Any other activities that you're involved
  - 2 with --
  - 3 A. I'm --
  - Q. or been involved with on campus?
  - 5 A. I, like, help in the student government. And I help
  - б in -- I help in -- I help in student government, and I
  - help in -- I help in SPB. It's a student board. And
  - last Wednesday, I helped volunteer to pass out
  - programs at a speaker that we had at our school.
  - 10 Q. I'm sorry. That's SPB did that?
  - 11 A. Yeah.
  - 12 O. What did they do?
  - 13 A. They brought in a speaker that talked about food and I
  - 14 volunteered to help pass out programs.
  - 15 Q. Oh, pass out programs at the speech?
  - 16 A. Yeah.

24

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- 17 Q. Okay. What's SPB stand for?
- A. Student -- Student -- Student Programming Board. 18
- 19 Q. Okay. And other than helping out with this one
- 20 program, have you had other involvement with the SPB?
- 21 A. No. Like, I -- I, like, talk to the friends there and
- they, like, sometimes help me with, like, homework or 22
- 23 they just talk to me just as any college -- any
  - college -- any college student does. We just talk on
- 25 the phone or chat and hang out or stuff.

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- like, last year, they asked me how things were going
- with housing, because they all -- they all support me
- 3 and they -- they, like -- they, like, want me to have
- housing because they think -- they think that I am a
- student that goes to --
- 6 Q. Well, what is your involvement at the meetings during
  - the meetings, what do you do?
- 8 A. I, like --
- Q. You attend the meetings.
- 10 A. Yeah.
- 11 Q. Do you do anything else?
- 12 A. Yeah. I, like -- I, like -- I help out the -- I help
- 13 out the soup kitchens and...
- 14 Q. At the meetings?
- 15 A. No.
- 16 Q. Okay.
- 17 A. At -- at, like -- at the meetings, I, like, share my
- thoughts of what kind of stuff we can do.
- 19 Q. Okay. And what have you shared with them?
- 20 A. That -- that we can maybe go to a soup kitchen or
- 21 help -- help -- help down in Detroit or help in
- 22
- 23 Q. Okay. Were those your ideas or were those ideas of
- 24 others that you agreed with?
- 25 A. No, no, no. Mine.

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Page 107

- 1 Q. What -- what's your involvement with the student 2
  - government?
- 3 A. I, like, help them. I called -- I called senators a
  - couple days ago to say please vote on the scholarships
    - thing for kids to -- to, like, go to college. They
- 6 were trying to cut out the -- cut out the scholarships
  - for kids. They were trying to cut out a scholarship
- 8 for kids that want to go to college.
- 9 Q. And you -- so who did you call?
- 10 A. I called some senators that the student congress gave
- the list out and we had a phone bank, and I called 11
- 12 them saying I am Micah. I am a student that goes to
- 13 OU, and it's a very important bill that I hope you
- 14 vote for it.
- 15 Q. Okay. Any other involvement in student government?
- 16 A. They -- they, like, helped me -- they, like, helped
- 17 me -- they, like, helped me host a forum on -- helped
- 18 me host a forum about -- about a -- about, like --19
- about my dorm thing. And that was before everything 20 started with the student. I just gave -- I just gave
- 21 my, like -- they had a forum and we had, like, a great
- 22 turnout of people that came and shared their thoughts
- 23 about my dorm issue and -- and then, like -- and then
- we had a post meeting after the board of trustee's --24
- 25 post meeting after the board of trustee's meeting on

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22 Q. SDS stands for what?

I was a part of -- I was a part of -- I was a part of

for -- stand up and try to -- we, like, sometimes hold

signs and have, like, a -- we, like, have, like, a --

SDS. It's a student group on campus.

23 A. It's a group that tries to stand up for -- stand up

Page 109 Page 111 1 the 4th, and we had some great friends that helped me we have, like, peace, like, marches and stuff. 2 and stuff. 2 Q. Okay. What's your involvement with them? 3 Q. Were you involved in student government activities in A. It kind of faded away because most of the people have, any other way? graduated, but we, like -- we, like, just had, like --5 A. I, like, helped on the campaign of the student body 5 we just had, like -- we just had -- we had, like -- we president. had, like -- we had, like -- we had, like -- we had, 6 7 Q. Okay. like, peace -- peace, like, marches and stuff. 7 A. And I --Q. Okay. How did you get involved in that group? 8 Q. Anything else? 9 A. It was through a friend that -- that had me come 10 A. And I had a chance to vote for the student body 10 and -- that new me and he just asked me to join. president because I am a student. I signed, like, 11 Q. Were there meetings that you attended? 12 a -- I, like, voted for the -- for the student body A. There weren't, like, huge meetings or anything, no. 13 president. 13 Q. It was just show up at this rally or? 14 Q. Okay. Anything else? A. Yeah. 15 A. No. 15 Q. Did you carry signs? 16 Q. Any other activities that you've been involved in? 16 A. Yeah. 17 A. I -- I, like -- I, like, help in -- I help in the 17 Q. Do you know what they were about? Jewish club. 18 18 A. Trying to -- trying to -- trying to stop 19 O. Okav. 19 the war and trying to stop the war in Iraq and stuff. 20 A. And we have a Shabbat dinner sometimes on campus or we 20 Q. Any other student groups that you -21 go to things outside of campus and --21 A. No. It's --22 Q. Is that through Hillel? 22 Q. -- participated in? 23 A. Yeah. 23 A. No. It's -- I -- I, like, would like to do lots of 24 Q. And so what's your involvement other than attending 24 activities. It's just hard for me to do activities 25 their -- their Shabbat dinner? 25 when I don't live on campus, like -- like --Page 110 Page 112 1 A. In 2006, because I was at OU, I got a trip to go to 1 Q. Mr. Feldman, you keep -- Mr. Fialka-Feldman, you keep 2 a -- a trip to go to -- a free trip to go to Israel. on saying that, but are you aware that about 90 Because I saw a table in the OC, and because I'm a 3 percent of the students don't live on campus? 3 student that goes to OU, I got to sign up and go for A. Yeah. Q. So you're just like those other 90 percent of the 5 6 Q. It's a birth-right trip? students in that way, aren't you? 7 A. But that's, like, they're choosing that. Some people Q. And what -- that was before you were in the Options Я 8 don't want to have -- to have dorm life, like. 9 program? 9 Q. Yeah, but they still manage to attend rallies and 10 A. Yeah. 10 clubs and participate --11 Q. And did you go with anyone? 11 MR. DAVIS: Objection. 12 A. With friends that -- that were at other colleges, but 12 MR. BOONIN: -- isn't that true? 13 I like -- yeah. Like, other friends that, other 13 MR. DAVIS: It's starting to get colleges that I have known through my activities 14 argumentative in here. I mean, what's your question? 14 15 outside of school. 15 What exactly is the question? 16 Q. Any other involvement with Hillel? 16 BY MR. BOONIN: 17 A. No. 17 Q. They still get to participate in activities on campus. 18 Q. Okay. Any other student groups?  $18\,$   $\,$  A. Some do because, like, they have cars and stuff and I 19 A. I was a part of -- I was part of -- I was a part of --19 don't like driving.

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25

out and talk.

20 Q. Okay. What -- now -- so, anyway, you said you go to

your classes. What do you do after your last class?

22 A. I sometimes go to the gym, and then - and then I --

or I, like -- or I see a friend of mine that helps me

with homework or we go to the gym together and we hang

Page 141 Page 143 1 A. Yeah. 1 Q. And this is an e-mail from you? 2 Q. What -- what else happened with regard to your 2 A. Oh, yeah. I -- I sent them an e-mail saying thank you interest to be in the dorms after that? for -- thank -- thank you -- thank you -- thank you 4 A. We, like, talked about how -- how we, like -- how we for -- thank you for meeting with me, and I was very could strategize of how to change every -- like, some 5 sad and -- and very sad and, like -- and, like, 6 friend said to write -- to -- to write letters to, 6 disappointed on your -- on your -- on your call of it. like, the vice president or president and try to --7 Q. Did you write that e-mail or did your dad do it for 8 because -- because people were -- people were 8 voll -surprised and shocked on it. A. I --9 10 Q. Who is we? You said we strategize. 10 Q. — or someone else? 11 A. Like, my friends and my family and the people who were 11 A. I -- I think my dad had -- helped me write it. 12 there were kind of -- kind of surprised that it 12 Q. Okay. What happened during this meeting that you're 13 wasn't -- it wasn't -- it, like -- it, like, wasn't 13 referring to? 14 going to happen. A. I tried to explain at the meeting that I -- I -- I am 14 15 Q. So you were going to have a campaign to try to change 15 a student that -- that -- like, that I wanted to apply 16 the -- to have the university change its mind? 16 to go into housing and I explained why I was capable MR. DAVIS: I don't think he used the term 17 17 of having housing. I could, like -- I could wake up 18 on my own and take a shower and go down to the campaign. 18 19 MR. BOONIN: I'm asking is that what it 19 cafeteria and eat food and go to my classes and I --20 was. 20 and, like, I explained everything. 21 THE WITNESS: No. 21 Q. Do you recall who was present at that meeting? 22 BY MR. BOONIN: 22 A. It was Vice President Mary Beth and the housing guy. 23 Q. You strategizing to write letters and do other things? 23 Q. Mr. Maten? 24 A. Like, we talked about it, but, like -- we, like, 24 A. Yeah. didn't do it after that meeting. We, like -- we kind 25 Q. Maten. So you -- you -- you told them what you just Page 142 Page 144 1 of waited for, like, a couple of months to, like, see said? 1 2 how it would --2 A. Yeah. 3 Q. All right. So what happened next in this -- in this Q. Okay. And what did they say during the meeting? effort or desire to get into the dorms? A. They said that -- that I wasn't -- I wasn't -- I 5 A. I'm -- I think after was kind of a quiet period. I 5 wasn't, like -- I wasn't, like -- I wasn't, like, a --6 didn't do that much until -- until I -- like, until I, I wasn't, like, able to have housing because it wasn't 6 like, met with the vice president and stuff. 7 going towards a degree and that was the answer and... 8 Q. Do you recall when that was? Q. And you have no doubt that that was their reason? A. I think -- I think it was May of 2006, I think. 9 A. I, like, had some -- I -- they said that, but I had 10 MARKED BY THE REPORTER: 10 some mixed feelings that -- that, like -- like --**DEPOSITION EXHIBIT 7** 11 11 that, like -- like, that wasn't, like, the real thing 12 2:20 p.m. 12 13 BY MR. BOONIN: 13 Q. And that's your feeling though? 14 Q. Before you is a document marked Exhibit 7. Appears to 14 A. What? 15 be an e-mail from you to Lionel Maten and Mary Beth 15 Q. That was your feeling? 16 Snyder? 16 A. Yeah. 17 A. Yeah. 17 Q. But you don't have any facts to support that feeling, 18 Q. It's dated May 26th, 2008? 18 do vou? 19 A. Oh. Oh, yeah, 8. 19 A. No. 20 Q. So is that around the time that you -- you met --20 Q. Now, the next page appears to be a -- an e-mail sent 21 A. Yeah. 21 to a number of people. 22 Q. -- with the vice president --22 A. Yes. 23 A. Yeah. 23 Q. I don't know. Do you know who R. Kollman is? 24 Q. -- being Mary Beth Snyder? 24 A. No. 25 A. Yeah. 25 Q. At familyvoices.org?