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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

LISA HERRERA and DENNIS HERRERA  
AS CO-PERSONAL REPRESENTATIVES  
OF THE ESTATE OF ISABELLA  
HERRERA, deceased,

Plaintiffs,

CASE NO.:

vs

8:12-CV-02484-JSM-EAJ

HILLSBOROUGH COUNTY SCHOOL  
BOARD, and HILLSBOROUGH COUNTY  
SCHOOL DISTRICT,

Defendants.

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VIDEOTAPED  
DEPOSITION OF: JOANNA ARNEZ HAMILTON

TAKEN: Pursuant to Notice by Counsel for  
Plaintiffs

DATE: March 15, 2013

PLACE: Thompson, Sizemore, Gonzalez & Hearing  
201 North Franklin Street  
Suite 1600  
Tampa, Florida 33602

TIME: 11:16 a.m. to 1:18 p.m.

REPORTED BY: Tonya Lee Serino, Registered Nurse  
ACLS/BLS, FPR, CLR, Notary Public  
State of Florida at Large



1 APPEARANCES:

2

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19 ALSO PRESENT:

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I N D E X

TESTIMONY OF JOANNA ARNEZ HAMILTON

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between counsel present for the respective parties, and the deponent, that the reading and signing of the deposition are hereby RESERVED.

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins the videotaped deposition of Joanna Hamilton taken in the matter of case Isabella Herrera versus Hillsborough County School Board.

The deposition is being held in the offices of Thompson, Sizemore, Gonzalez & Hearing, P.A., located at 201 North Franklin Street, Suite 1600, Tampa, Florida 33602.

Today's date is March 15, 2013 and the time is 11:16 a.m.

The court reporter is Tonya Serino and the video specialist is John Toner on behalf of Orange Legal.

Would counsel and all present introduce themselves after which the court reporter will swear in the witness?

MR. COTTER: Good morning. My name is Dan Cotter, and I'm with The Maher Law Firm, and we represent the Herreras.

MR. GONZALEZ: And the Herreras are both here?

MR. COTTER: Yes. The Herreras are both here this morning.

MR. GONZALEZ: Tom Gonzalez, Thompson, Sizemore, Gonzalez & Hearing for the defendant.

1 MR. MURMAN: Jim Murman, Barr, Murman, Tonelli,  
2 also for the defendant.

3 THE COURT REPORTER: Please raise your right  
4 hand. Do you solemnly swear or affirm the testimony  
5 you are about to give will be the truth, the whole  
6 truth, and nothing but the truth?

7 MS. HAMILTON: I do.

8 WHEREUPON,

9 JOANNA ARNEZ HAMILTON,  
10 having been first duly sworn, was examined and testified  
11 as follows:

12 DIRECT EXAMINATION

13 BY MR. COTTER:

14 Q Good morning.

15 A Good morning.

16 Q Would you tell us your name, please?

17 A Joanna Hamilton.

18 Q Ms. Hamilton, my name is Dan Cotter, and as you  
19 just heard, I represent the Herrera family, and I'm here  
20 today to take your deposition.

21 A Okay.

22 Q If there are any questions that I ask you that  
23 you do not understand, I would like you to interrupt me  
24 and let me know that you do not understand my question.  
25 Will you do that, please?

1 A Yes.

2 Q And if you give a response that I'm having  
3 trouble following, I may also ask you to explain your  
4 response. Is that acceptable?

5 A Yes.

6 Q My hope and my goal here today is that you will  
7 understand my questions and I will understand your  
8 answers unless we otherwise advise each other. Is that  
9 agreeable?

10 A Yes.

11 Q Therefore, if you answer my question I'm going  
12 to assume that you understand it. Is that agreeable?

13 A Yes.

14 Q All right. Thank you. So would you tell us  
15 your date of birth, please?

16 A 10/27/1967.

17 Q And where do you reside?

18 A 165 Smith Street, Bradley, Florida 33835.

19 Q And, Ms. Hamilton, as we sit here today are you  
20 employed?

21 A Yes.

22 Q Who are you employed by?

23 A Hillsborough County School Board.

24 Q Do you have a license with you?

25 A Yes.

1           **Q**     **Could you produce it for me, please? And do**  
2     **you have any -- as you're getting that, do you have any**  
3     **card or document that shows your employer?**

4           **A**     **No.**

5           **Q**     **All right. May I see your license, please?**  
6     **Take your time. Thank you.**

7                   MR. COTTER: I'm going to have a photocopy made  
8     of this and we'll mark it as Exhibit 1.

9                   (Exhibit 1 marked for identification.)

10          BY MR. COTTER:

11           **Q**     **And you told us that you are employed today by**  
12     **Hillsborough County School Board; is that right?**

13           **A**     **Yes.**

14           **Q**     **What is your job title?**

15           **A**     **Hillsborough County DEES attendant.**

16           **Q**     **I'm sorry?**

17           **A**     **Hillsborough County DEES attendant.**

18           **Q**     **What does the DEES stand for?**

19           **A**     **I don't know.**

20           **Q**     **How is that spelled?**

21           **A**     **D-E-E-S.**

22           **Q**     **All right. And can you tell me your social**  
23     **security number, please? And we don't need to put this**  
24     **on the record.**

25           **A**     **(Answers off the record.)**



1           **Q**     **Aside from your license did you bring anything**  
2 **with you today?**

3           **A**     **Only my subpoena.**

4           **Q**     **All right. Do you have the subpoena?**

5           **A**     **Yes.**

6           **Q**     **Can you show it to me, please?**

7                   **MR. COTTER:** I'm going to have this marked at a  
8 break as Exhibit No. 2. Okay?

9                           (Exhibit 2 marked for identification.)

10          **BY MR. COTTER:**

11           **Q**     **I'm going to show you what we're going to later**  
12 **mark as Exhibit 2, which is the subpoena you just passed**  
13 **over to me. Ma'am, you can hold that out for a minute,**  
14 **please, Ms. Hamilton.**

15                   **The subpoena requested that you bring documents**  
16 **with you today. Do you see the last two pages of the**  
17 **subpoena?**

18           **A**     **Yes, I do.**

19           **Q**     **Aside from your license did you bring any of**  
20 **those documents with you today?**

21           **A**     **I don't have any documents to bring.**

22           **Q**     **So the answer is you did not bring any**  
23 **documents with you today?**

24           **A**     **No.**

25           **Q**     **Did you make an effort to review the list of**

1 documents that were requested to determine whether you  
2 had possession of them?

3 A I don't have any.

4 Q That's not my question. My question is did you  
5 review that list of documents prior to looking at it  
6 right now to determine whether --

7 A Yes, I looked at -- yes.

8 Q -- you had any of those documents? And let me  
9 just say it will probably be helpful during the course of  
10 the deposition, I'm going to do my very best to wait  
11 until the end of your responses and I would ask you to  
12 wait until the end of my questions so we won't be talking  
13 over each other. All right?

14 A Okay.

15 Q Okay. So you say you looked over that list?

16 A Yes.

17 Q When did you do that?

18 A The day I got it.

19 Q All right. And you have no documents that are  
20 responsive to that?

21 A No.

22 Q Did you make any effort to inquire with anyone  
23 as to whether those documents might be available to you?

24 A No.

25 Q So I'm just going to review that document list

1 with you. If you'd like you can open up to the first  
2 page of Exhibit A of what you have in your hand, which  
3 will be marked as Exhibit 2. Do you see that, ma'am?

4 A Yes.

5 Q Do you have a resume?

6 A No.

7 Q Do you have any certificates that you have  
8 obtained in connection with your work with Hillsborough  
9 County?

10 A No.

11 Q Do you know whether there are any certificates  
12 that exist from any training or certification programs  
13 that you have undergone since you've been an employee of  
14 Hillsborough County?

15 A No.

16 Q Have you written any notes or e-mails or  
17 memoranda, letters, journal entries whatsoever regarding  
18 Isabella Herrera?

19 A Yes.

20 Q Tell me what it is you've written.

21 A I wrote a statement to the police officer.

22 Q All right. Did you bring that with you?

23 A No. I don't have that.

24 Q Do you have an e-mail account?

25 A No.

1 Q Have you ever used e-mail?

2 A No.

3 Q Do you use a cell phone?

4 A Yeah.

5 Q What is your cell phone number?

6 A 863 --

7 Q 863 --

8 A 255 --

9 Q 255 --

10 A 4610.

11 Q And how long has that been your cell phone

12 number?

13 A I can't recall how long I've had the number.

14 Q Was it your number on January 25, 2012?

15 A Yes.

16 Q And who is the carrier for that cell phone?

17 A Verizon.

18 Q Do you text with it?

19 A Yes.

20 Q Did you do any text in connection with anything

21 whatsoever that has to do with Isabella Herrera?

22 A I can't recall.

23 Q All right. So am I understanding correctly the

24 only written statement that you ever made in connection

25 with the events that happened on January 25, 2012 was the

1 report that you gave to the sheriff's department?

2 A Can you repeat that, please?

3 Q Sure. We just covered paragraph five of that  
4 document request, and I asked you whether you had  
5 authored any notes, e-mails, memoranda, letters, texts,  
6 journal entries, documents of any kind regarding the  
7 events of January 25, 2012 regarding Isabella Herrera,  
8 and you told me that the only statement that you've ever  
9 written or authored is the one that you gave to the  
10 sheriff; is that correct?

11 A I wrote the one to the sheriff's office.

12 Q Yes.

13 A And the following day I did one for  
14 Hillsborough County. Those are the only two I've ever  
15 done.

16 Q All right. Now let's talk about the second one  
17 that you did for Hillsborough County. Who asked you to  
18 do that?

19 A My boss.

20 Q And who was your boss?

21 A Debbie Bundy.

22 Q Debbie Bundy?

23 A Yes.

24 Q B-u-n-d-y?

25 A Yes.

1           **Q**     And where does Ms. Bundy work out of? Where is  
2 her office located?

3           **A**     Area five.

4           **Q**     Is there a building with offices that you refer  
5 to as area five?

6           **A**     It's off of Brooker Road.

7           **Q**     And what is Ms. Bundy's job title as you know  
8 it?

9           **A**     Field supervisor.

10          **Q**     All right. And prior to January 25, 2012, how  
11 long had she been your supervisor?

12          **A**     I don't recall.

13          **Q**     All right. Tell me the circumstances under  
14 which Ms. Bundy asked you to write this statement.

15          **A**     She just said I needed to come in and write a  
16 statement what happened on the bus.

17          **Q**     All right. What does that statement say as you  
18 recall?

19          **A**     That I heard a noise on the back of the bus. I  
20 turned around and I looked and I asked Bella was that  
21 her. She shook her head yes. I turned back around.

22                 And as we got further down the road I heard  
23 another noise, so I turned around and I looked again and  
24 I asked her was she okay. She said yes. So I turned  
25 back around.

1           And we continued on down the road, and I heard  
2 another noise and then I turned around, looked again. I  
3 asked her was she okay, and she shook her head no.

4           So when I found out that she wasn't okay, I got  
5 up and I went to her and I asked her what was wrong. I  
6 asked her could she breathe. She shook her head no.

7           So I told Tonya when she gets able to pull  
8 over, let's pull over to a safe place so we can see  
9 what's going on with her, and that we needed -- after we  
10 pulled over I said we need 911 to the bus.

11           And I was in the back talking to Bella  
12 asking -- trying to keep her calm and stuff, and I called  
13 mom to see if there was anything that mom knew that I  
14 didn't know about Bella.

15           And Tonya was trying to get K-6 on the radio  
16 and I was calling the office after I talked to mom on my  
17 cell phone as she couldn't seem to get through to K-6.

18           And I called mom again to see where mom was and  
19 she said she was on her way, and I was still in the back  
20 trying to comfort Bella.

21           While Tonya was still calling K-6, I was still  
22 trying to reach K-6 on the phone and I was calling the  
23 office trying to reach the office on the phone.

24           **Q     Excuse me. Are you telling me this is all in**  
25 **the statement?**

1           A     Yes. Yes. That I remember that day.

2           **Q     Thank you. Go ahead.**

3           A     I remember mom showing up to the bus. She came  
4     on the bus and I was in the back with Bella. And I asked  
5     mom did she want Bella out of the chair. She said yes.  
6     So I started unstrapping Bella.

7                     Mom took Bella from me and she put her on the  
8     seat and she did administer CPR to Bella. Then she  
9     yelled at me and I started, and that's when Tonya got up  
10    and we both moved her off the seat and took her to the  
11    back of the bus and we continued doing CPR on her.

12                    I remember --

13           **Q     I'm sorry. My question to you is to share with**  
14    **us what was in the statement. Are you finished doing**  
15    **that?**

16           A     No.

17           **Q     All right.**

18           A     I remember the police coming to the bus. He  
19    opened the back door, and I remember him getting his  
20    paddles out, and we were still doing CPR and he put them  
21    on her, but they did nothing.

22                    So when I looked outside mom was so -- she was  
23    so distraught, I left off the bus to go outside and try  
24    to calm mom down.

25                    So during that time mom said that her baby was



1 in the van. I went to the van to get the baby out  
2 because it was hot in the van. I was going to bring her  
3 back to the bus with us, but I said no, I don't want to  
4 bring her back to that situation.

5 **Q Do you need a break, ma'am?**

6 A (Shakes head.)

7 **Q Take your time.**

8 A So when I get the van opened and it's hot in  
9 the van, the baby is sitting in there. I sat on the side  
10 of the van and I called mom to me and I was trying to get  
11 her calmed down.

12 During that time the paramedics have also  
13 gotten there, and I'm trying to get mom calmed down. So  
14 I'm hugging her and talking with her and sitting in the  
15 van. Like I said, it was hot in the van, and I didn't  
16 want her to have two babies gone.

17 So while I'm sitting there trying to comfort  
18 mom one of my other parents come up, and I guess with the  
19 situation she didn't know what was going on, why we  
20 had --

21 **Q Excuse me, but you're telling me that**  
22 **everything you're saying right now is in this written**  
23 **statement that you gave to your supervisor the next day?**  
24 **That was my question.**

25 A Maybe not the part with the other parent coming

1 up.

2 Q I don't want any part that's not in it.

3 A Okay. Well, I was comforting mom. I'm sitting  
4 in the door comforting mom.

5 Q And this is what's in the statement?

6 A Yes.

7 Q And why didn't you bring the statement here  
8 today?

9 A I don't have a statement.

10 Q You just told us you wrote one.

11 A I didn't get a copy. I don't have a copy.

12 Q Why didn't you call and get a copy before you  
13 came over here today?

14 MR. GONZALEZ: Object to the form of the  
15 question.

16 BY MR. COTTER:

17 Q Can you answer my question, please?

18 A I just didn't. I didn't.

19 Q When did you last see it?

20 A The day I wrote it.

21 Q You've never seen it since?

22 A No.

23 Q And even though you received that subpoena  
24 requesting you to bring it, you made no effort to obtain  
25 it?

1           A     I don't have a vehicle.

2           Q     My question is you made no effort to obtain it  
3 before today?

4           A     No.

5           Q     You didn't make a call and ask Ms. Bundy to get  
6 it for you?

7           A     No.

8           Q     All right. The other documents that were  
9 requested in the e-mail -- I'm sorry, in the request  
10 number six, any documents that you've received regarding  
11 this matter other than a subpoena that you have in front  
12 of you, any notes, e-mails, memoranda, letters, documents  
13 of any sort that you've received from either Hillsborough  
14 County School District or Hillsborough County School  
15 Board. Do you have any such documents?

16          A     Not with me, no.

17          Q     Well, what documents do you have?

18          A     This is the only one that I have with me.

19          Q     I understand that. You've already told us that  
20 you didn't bring anything with you.

21                   What documents do you have that you didn't  
22 bring?

23          A     The paper of the lawsuit.

24          Q     The paper of the lawsuit?

25          A     Yes.

1 Q And how did you obtain that?

2 A Through the mail.

3 Q Who was it sent to you by?

4 A I think this lawyer's office here.

5 Q Mr. Gonzalez?

6 A I think so.

7 Q Yes? What other documents have you received in  
8 connection with this case?

9 A That's it.

10 Q Did that lawsuit that you're describing, was it  
11 accompanied by a letter?

12 A I don't recall.

13 Q Is there a reason why you didn't bring that  
14 today?

15 A Just didn't remember it.

16 Q Number seven, do you have any training manuals,  
17 e-mails, memoranda, reports, letters, notes, or documents  
18 of any kind whatsoever that you were provided in  
19 connection with whatever training, if any, you received  
20 for caring for Isabella?

21 A No.

22 Q Do you have a copy of any documents whatsoever  
23 that describe any of the training, if any, you received  
24 in caring for Isabella?

25 A No.

1 Q Have you ever made a complaint against the  
2 administration or the staff of Hillsborough County School  
3 Board or School District?

4 A Can you repeat the question?

5 Q Sure. Have you ever made a complaint against  
6 any member of the staff or of the school district or the  
7 county?

8 A No.

9 Q Have you ever received any discipline  
10 throughout your employment with Hillsborough County?

11 A No.

12 Q Do you have any documents whatsoever in your  
13 possession -- I don't mean here today because we know you  
14 don't have anything with you today other than that  
15 subpoena, but do you have any documents home or anywhere  
16 else pertaining to your employment at Hillsborough  
17 County?

18 A No.

19 Q All right. Aside from the two statements that  
20 you've told us about, the one that you gave to the police  
21 and the one that you gave to your supervisor the next  
22 day, have you ever given an audio statement or a  
23 videotaped statement about the circumstances and events  
24 that happened on January 25, 2012?

25 A No.

1 Q And do you have -- strike that.

2 Have you ever received any documents whatsoever  
3 which are training materials that have been generated by  
4 therapy, physical or occupational therapy staff from  
5 Hillsborough County to train you as to how to transport  
6 Isabella Herrera?

7 A No.

8 Q Now, what did you do in preparation for the  
9 deposition today?

10 We're going to leave that up here because we've  
11 marked that as an exhibit. Okay? Thank you.

12 A I spoke with Mr. Gonzalez.

13 Q All right. What other activities, if any, did  
14 you engage in in preparation for your deposition?

15 A That was it.

16 Q Did you review any documents?

17 A No.

18 Q You told us you've never reviewed the statement  
19 that you gave to your supervisor the day after this  
20 event. Have you ever reviewed the statement that you  
21 gave to the police or the sheriff the day of the event?

22 A No.

23 Q Have you ever watched any videotape of the  
24 events that occurred on the bus?

25 A The day that I gave -- yes.

1           **Q     When did you do that?**

2           A     The day that I wrote the statement for  
3 Hillsborough County School.

4           **Q     All right. How much of that video did you**  
5 **watch?**

6           A     Maybe a minute.

7           **Q     And help us understand which minute of the**  
8 **events that you focused on.**

9           A     When I walked back there to her, that part  
10 there.

11          **Q     Pardon me?**

12          A     When I walked back there to Bella, I saw that  
13 part there.

14          **Q     Which time when you walked back to Bella?**

15          A     When she told me she wasn't okay and I walked  
16 back to her seat.

17          **Q     All right. So you're telling us the only video**  
18 **you've ever watched in connection with the events that**  
19 **happened on January 25 on the bus with you and Bella is**  
20 **about a one-minute period when you walked back and**  
21 **learned from her that she was not okay?**

22          A     Yes.

23          **Q     All right. So if I'm understanding you**  
24 **correctly, the only activities you engaged in in**  
25 **preparing for the deposition today were to meet with**

1 **Mr. Gonzalez?**

2 A Yes.

3 **Q You haven't reviewed any documents? You have**  
4 **not reviewed any video?**

5 A No.

6 **Q All right. Where were you born, Ms. Hamilton?**

7 A Bartow.

8 **Q Pardon me?**

9 A Bartow.

10 **Q Okay. And where did you do your high school**  
11 **education?**

12 A Mulberry High.

13 **Q Mulberry High?**

14 A Yes.

15 **Q Did you graduate from there?**

16 A Yes.

17 **Q When did you graduate?**

18 A '98.

19 **Q All right. Did you go continuously through**  
20 **four years?**

21 A Yes.

22 **Q Any post high school formal education at**  
23 **college or community college?**

24 A Vocational.

25 **Q When did you do that?**



1 A 1995.

2 Q Where was that?

3 A Traviss Vocational in Lakeland.

4 Q Traviss Vocational in Lakeland?

5 A Yes.

6 Q How long did that period of study last?

7 A A year.

8 Q And what was your focus during that period?

9 A Cosmetology.

10 Q Did you obtain a degree of any sort or  
11 certification?

12 A Yes.

13 Q Tell me about that, please. Remember now, if  
14 you don't understand my question you can just let me know  
15 and I'll rephrase it.

16 What I was asking was essentially did you get  
17 some kind of a certification --

18 A Yes.

19 Q -- as a result of that program, and if so tell  
20 me what that is.

21 A Cosmetologist license, yes.

22 Q And did that require you to be licensed here in  
23 Florida?

24 A Yes.

25 Q Is that license still current?

1 A No.

2 Q When did you let it lapse?

3 A Two years ago.

4 Q How long did you work as a cosmetologist?

5 A Ten years.

6 Q And can you give me a sense of where you worked

7 over that period of time?

8 A I worked at JCPenney's and Ida Beauty Salon.

9 Q The second one could you repeat, please?

10 A Ida Beauty Salon.

11 Q How long were you employed at JCPenney's?

12 A Not quite a year.

13 Q Was that immediately after getting your degree?

14 A No.

15 Q What period of time was that?

16 A Maybe summer of '96 through April of '97.

17 Q All right. And the beauty salon that you

18 worked at, how many years did you work there for?

19 A Three.

20 Q Where was the JCPenney's located?

21 A Lakeland.

22 Q And the beauty salon, where was that located?

23 A Brandon.

24 Q Is it still in business today?

25 A No.

1           **Q**     **Was it a business that you had or did you work**  
2     **there for someone who was operating the business?**

3           A     Someone who was operating the business.

4           **Q**     **And what's that person's name?**

5           A     Ida Lawson.

6           **Q**     **Do you still stay in touch with Ms. Lawson?**

7           A     No.

8           **Q**     **Do you know where she resides?**

9           A     No.

10          **Q**     **All right. Are you married?**

11          A     No.

12          **Q**     **Have you been married?**

13          A     No.

14          **Q**     **Is Hamilton your given name?**

15          A     Yes.

16          **Q**     **Do you have a middle name that you use?**

17          A     Arnez.

18          **Q**     **Arnez?**

19          A     Mmm-hmm. Yes.

20          **Q**     **Do you have any children?**

21          A     Two.

22          **Q**     **What are their names and ages, please?**

23          A     Trent McLendon, he's 23. Cachet McLendon,  
24     she's 22.

25          **Q**     **Where does Trent reside?**

1           A       Lakeland.

2           **Q       Is he employed?**

3           A       Yes.

4           **Q       What kind of work does he do?**

5           A       Janitorial.

6           **Q       Who employees him?**

7           A       I have no idea.

8           **Q       And your daughter, is she residing here in**  
9   **Florida?**

10          A       Yes.

11          **Q       Where does she reside?**

12          A       With me.

13          **Q       Is she employed?**

14          A       No.

15          **Q       When's the last time she's been employed?**

16          A       She hasn't.

17          **Q       Does she have any health issues or any issues**  
18   **that prevent her from being employed?**

19          A       No.

20          **Q       Does she go to school?**

21          A       No.

22          **Q       Does she go to high school?**

23          A       Can you rephrase that?

24          **Q       Yes. Did your daughter go to high school?**

25          A       Yes.

1 Q Where did she go?

2 A Mulberry High.

3 Q Did she graduate?

4 A No.

5 Q How about your son?

6 A Yes.

7 Q He went to Mulberry High as well?

8 A Yes.

9 Q Did he graduate?

10 A Yes.

11 Q So what I want to try to understand is between

12 the time you completed your training and went to work at

13 JCPenney's and this beauty salon that you told us about

14 up until the time that you began to work at Hillsborough

15 County, were there any other places that you were

16 employed?

17 A No.

18 Q All right. Have you ever been arrested and

19 convicted of a felony offense?

20 A No.

21 Q Or a misdemeanor offense which involves moral

22 turpitude that the law might define as involving a crime

23 of lying, cheating, or stealing?

24 A No.

25 Q Have you ever been a party to a civil case?

1 A No.

2 Q That is bringing a claim against a person or an  
3 entity, a business? Have you ever done that?

4 A Yes.

5 Q Tell me about that, please.

6 A I'm in one now with Hillsborough County.

7 Q And what is that about?

8 A Workmen's comp.

9 Q And what are the circumstances of that claim?

10 A I was hurt on the bus.

11 Q When did that occur?

12 A '09, March.

13 Q March of '09? What was the nature of your  
14 injury?

15 A Neck, back.

16 Q Do you know the particular date in March of  
17 2009?

18 A 16th.

19 Q March 16, 2009, so four years ago from  
20 tomorrow; is that right?

21 A Yeah.

22 Q What happened to you?

23 A Can you rephrase?

24 Q What happened to you on March 9 -- I'm sorry --  
25 on March 16, 2009 that you were injured with neck and

1 **back?**

2 A We were rear-ended from behind.

3 **Q You were in a bus?**

4 A Yes.

5 **Q Were you taking kids to school or taking them**  
6 **home from school?**

7 A Didn't have any kids at the time.

8 **Q All right. What time of day did it happen?**

9 A About 6:30 in the morning.

10 **Q Were you sitting down?**

11 A Yes.

12 **Q And you were rear-ended from behind?**

13 A Yes.

14 **Q Did you go to the emergency room or hospital?**

15 A Yes.

16 **Q Where did you go to be treated?**

17 A Brandon Regional.

18 **Q Are you represented by an attorney in that**  
19 **matter?**

20 A Yes.

21 **Q Who is that attorney?**

22 A Smith, Feddeler, Smith & Miles.

23 **Q Where are they located?**

24 A They have an office over here, Tampa.

25 **Q Which particular attorney are you working with?**

1           A     Attorney Nelson.

2           **Q     Nelson?**

3           A     Yes.

4           **Q     All right.  And was a formal workers'**  
5 **compensation claim filed?**

6           A     I don't recall.  I don't know.

7           **Q     Is the matter still pending?**

8           A     Yes.

9           **Q     What is the status of the matter right now as**  
10 **you understand it?**

11          A     I don't recall.

12          **Q     Has your claim been accepted and approved?**

13          A     No.

14          **Q     Are you receiving any benefits?**

15          A     No.

16          **Q     Have you received any benefits thus far?**

17          A     No.

18          **Q     Is your claim being contested?**

19          A     I don't know.

20          **Q     Has there been a hearing?**

21          A     No.

22          **Q     Have you had to give a deposition like you're**  
23 **doing here today?**

24          A     No.

25          **Q     So you have no idea what the status of it is?**



1 A No.

2 Q When's the last time you've contacted or spoken  
3 with Attorney Nelson about the status of your claim?

4 A December.

5 Q What is your expectation of what's going to  
6 happen next in regard to your claim?

7 A I don't know.

8 Q Have you been treating with a doctor throughout  
9 this period of time?

10 A Yeah.

11 Q Who is the doctor?

12 A I was going to Lakeside Occupational. I don't  
13 know what the doctor's name is.

14 Q All right. Is there videotape of what happened  
15 on the bus to your body during that collision?

16 A There was a tape, yes.

17 Q Have you seen it?

18 A No.

19 Q Do you know if it's been produced as evidence  
20 in your claim?

21 A I don't.

22 Q What restrictions has that -- strike that.

23 What restrictions did that accident of

24 March 16, 2009 impose on your ability to do your job over  
25 the subsequent years, if any?

1           A     Can you rephrase that?

2           Q     **Sure. I'm just trying to get a sense of**  
3     **whether from the time of the accident really right up**  
4     **until today whether there's some activities on your job**  
5     **that you're not able to do or do as well because of the**  
6     **injuries you sustained in the accident.**

7           A     I'm not working right now.

8           Q     **When's the last time you were working?**

9           A     December 21.

10          Q     **December 21 of 2012?**

11          A     Yes.

12          Q     **And why is it you're not working right now?**

13          A     Because I'm having some issues with my back and  
14     my neck and my hands.

15          Q     **When did those issues arise?**

16          A     I've had them a while. I can't recall exactly  
17     when.

18          Q     **But are they issues that you attribute to this**  
19     **collision that occurred back in March of 2009?**

20          A     Yes.

21          Q     **So have you been on medical leave?**

22          A     Yes.

23          Q     **Are you receiving any kind of benefits?**

24          A     Short term.

25          Q     **Through short-term disability?**

1 A Yes.

2 Q But not workers' compensation?

3 A No.

4 Q Has the school board required you to undergo an  
5 examination by a doctor of their choice?

6 A Yes.

7 Q When did you and Attorney Nelson first assert  
8 this claim, this workers' compensation claim against the  
9 school board?

10 A I'm not sure.

11 Q Well, I'm trying to get a sense if it was  
12 relatively recently, in other words, was it around  
13 December when you started to have worsening of your back  
14 and neck and arm pain or has it been for a long time  
15 back?

16 A A long time back.

17 Q All right. Is this the only time off beginning  
18 in December of 2012 the only time off that you have taken  
19 as a result of the injuries you sustained back in March  
20 of 2009?

21 A No.

22 Q Were there periods where you were out for  
23 extended days?

24 A Yes.

25 Q And they're related to the accident that

1       **happened back in March of 2009?**

2           A       Yes.

3           **Q       All right. Is it your understanding that the**  
4       **school board is contesting your claim? Do you know what**  
5       **I mean by that?**

6           A       You have to explain it to me.

7           **Q       You want me to explain it?**

8           A       Yeah.

9           **Q       Sure. Is it your understanding the school**  
10       **board is denying your claim and taking the position that**  
11       **you're not entitled to benefits?**

12          A       I'm not -- no.

13          **Q       You're not sure?**

14          A       No.

15          **Q       All right. So getting back to what I was**  
16       **originally inquiring about. If I'm understanding you**  
17       **correctly, aside from your work at JCPenney's and your**  
18       **work at the beauty parlor that you told us about you**  
19       **haven't been employed outside your home in any other**  
20       **positions between 1996 and up to the time you started**  
21       **with Hillsborough County School Board; is that right?**

22          A       I started with Polk in '99.

23          **Q       Okay. And how long were you with Polk?**

24          A       Until 2006.

25          **Q       And what was your position with Polk?**

1 A An aide.

2 Q A transportation aide?

3 A Yes.

4 Q And you did that for approximately seven years?

5 A Yes.

6 Q All right. And then you started with

7 Hillsborough County did you say in 2006?

8 A Yes.

9 Q Was your employment continuous right up until  
10 today?

11 A Yes.

12 Q There haven't been any periods where you  
13 stopped working for several weeks or months? No  
14 interruptions?

15 A No.

16 Q All right. I had asked you whether you had  
17 ever brought a claim before. You told us about the  
18 workers' compensation claim.

19 Any other claims that you brought for injuries  
20 or harms and losses that you think were caused by another  
21 person, any car accidents, any slip and falls in public  
22 places, any claims like that?

23 A I don't recall.

24 Q You don't recall?

25 A (Shakes head.)

1 Q Any time that you have actually been a party to  
2 a civil lawsuit where a lawsuit has been filed and you've  
3 either been the person suing or the person who has been  
4 sued?

5 A No.

6 Q All right. Now, when you work as a  
7 transportation aide for Hillsborough County, are you  
8 assigned to a particular school?

9 A Yes.

10 Q What school were you assigned to in December of  
11 2012 at the time that you had a flare-up of your back and  
12 neck and hands that caused you to stop working?

13 A Sessums Elementary.

14 Q And how long have you been at Sessums  
15 Elementary?

16 A I'm not sure.

17 Q Well, you started in 2006 with Hillsborough  
18 County as a bus aide; is that right?

19 A Yes.

20 Q Did you start right away at Sessums  
21 Elementary --

22 A No.

23 Q -- or were you at another school?

24 A No. I didn't start right away.

25 Q What school did you start at?

1 A Mann Middle.

2 Q Main Middle?

3 A Mann.

4 Q Mann?

5 MR. GONZALEZ: M-a-n-n.

6 MR. COTTER: Thank you.

7 BY MR. COTTER:

8 Q How long were you at Mann Middle School?

9 A A term.

10 Q Meaning a year or half a year?

11 A From the beginning of the school term until the  
12 end of the school term.

13 Q All right. So one school year?

14 A Yeah.

15 Q One school term as you say?

16 A Yeah.

17 Q Where did you go from Mann Middle School?

18 A Where did I go from there?

19 Q Yes. Where was the next school that you were  
20 assigned to?

21 A Brandon High.

22 Q And how long were you at Brandon High?

23 A Term.

24 Q All right. And where did you go from Brandon  
25 High? What school was next?

1           A     I don't recall.

2           Q     You don't remember?

3           A     (Shakes head.)

4           Q     But there was another school other than

5     **Sessums; is that right?**

6           A     I'm not understanding what you're saying.

7           Q     All right. What I'm asking you is this. You

8     **began working with Hillsborough County in 2006 as an aide**

9     **for bus and transportation, correct?**

10          A     Correct.

11          Q     The first year or school term as you've used

12     **you worked at Mann Middle?**

13          A     Yes.

14          Q     Yes? The second school year or term you worked

15     **at Brandon High?**

16          A     Mann Middle and Brandon High was the same term.

17          Q     The same term?

18          A     Yes.

19          Q     You serviced two schools?

20          A     Yes.

21          Q     Okay. So what I'm trying to understand is what

22     **other schools you were assigned to before you began**

23     **working with the children from Sessums Elementary School.**

24          A     Riverview High.

25          Q     All right. Is that all?



1 A Yeah. That's it.

2 Q When did you first start at Sessums Elementary?

3 A I don't remember.

4 Q All right. Do you know how many years you were  
5 at Riverview?

6 A Two terms.

7 Q All right. So if you were at Riverview for two  
8 terms and you were at Mann and Brandon High for one term,  
9 is that a total of approximately three years?

10 A Yes.

11 Q So in 2009 or thereabouts, is that when you  
12 started at Sessums or was there a fourth school that you  
13 were assigned to before you began working at Sessums?

14 A I don't recall.

15 Q All right. Now, if you don't recall whether  
16 there was a fourth school, do you recall when you first  
17 started at Sessums?

18 A No.

19 Q All right. At any time while you've worked for  
20 Hillsborough County have you been a member of a union?

21 A Yes.

22 Q Tell me when you've been a member of a union,  
23 please.

24 A I joined in January.

25 Q January of 2013?

1 A '12.

2 Q **January of 2012? When did you join?**

3 A Well, actually February. I was wrong.

4 February.

5 Q **February of 2012?**

6 A Yeah. I don't remember the date.

7 Q **After this incident occurred?**

8 A Yes.

9 Q **Had you ever been a member of a union prior to**  
10 **that time?**

11 A No.

12 Q **Why did you join a union?**

13 A Because I was told to.

14 Q **Who were you told to by?**

15 A A friend.

16 Q **Who is the friend?**

17 A Eileen Hay.

18 Q **Eileen Hay?**

19 A Yes.

20 Q **Is she a coworker?**

21 A Yes.

22 Q **Is she also a bus aide?**

23 A No.

24 Q **What does she do?**

25 A She's a driver.

1 Q Have you worked with her?

2 A Yes.

3 Q When did you work with her?

4 A I worked with Eileen for four years.

5 Q Prior to this incident?

6 A Yeah.

7 Q All right. Can you think back, please,  
8 to -- again, we're going to be spending a great deal of  
9 time talking about what happened on January 25, 2012.

10 What I want to ask you now is I want you to try  
11 as best you can to recall who you have spoken to since  
12 Isabella's death about what happened on the bus that day.

13 And let me just help a bit by saying you've  
14 already told us you spoke to the police and you did a  
15 written statement.

16 You told us you spoke to your supervisor and  
17 did a written statement. And you told us that at least  
18 at some point recently that you met with Mr. Gonzalez in  
19 regards to your deposition.

20 So what I'm asking you is for you to recall who  
21 else during this period of time you have spoken with  
22 about the events that happened on January 25 and  
23 Isabella's death.

24 A I spoke with Eileen Hay.

25 Q All right. When did you speak with Eileen?

1           A     The same day.

2           **Q     Was it by phone or in person?**

3           A     By phone.

4           **Q     All right. Did you initiate that call?**

5           A     Yes.

6           **Q     Off of your cell phone?**

7           A     Yes.

8           **Q     And about how long did you speak with her for?**

9           A     If it was a minute. It may not have been a  
10       minute.

11          **Q     All right. What is it that you said to her?**

12          A     I told her that Isabella stopped breathing on  
13       the bus.

14          **Q     Was this -- at what point in the events that**  
15       **were unfolding did you make this call?**

16          A     It was after everything had happened.

17          **Q     Okay. Do you remember Eileen's number?**

18          A     813 --

19          **Q     Yes.**

20          A     -- 760 --

21          **Q     Yes.**

22          A     -- 4262.

23          **Q     And where were you when you made the call?**

24          A     Sitting on the bus.

25          **Q     Do you remember what you said to her?**

1           A     That Isabella stopped breathing.

2           **Q     Okay. Who else have you spoken with?**

3           A     That day that was it.

4           **Q     Okay.**

5           A     Other than -- well, you already said

6     transportation, so --

7           **Q     Are you talking about that day transportation?**

8           A     Yes.

9           **Q     Who are you referring to as transportation?**

10          A     Area office.

11          **Q     Okay. You told me that you gave a statement**

12     **the next day. Did you also speak to someone in the area**

13     **office that day?**

14          A     Yes. MaryEllen came to the bus.

15          **Q     Okay. What's MaryEllen's last name?**

16          A     Attmore.

17          **Q     MaryEllen Attmore?**

18          A     Yes.

19          **Q     And what is her position?**

20          A     I'm not sure.

21          **Q     Who did you understand she was?**

22          A     I know she was one of my bosses. She was one

23     of my bosses.

24          **Q     Okay. Did you have multiple people that you**

25     **reported to at that time?**

1           A     Yeah.

2           **Q     What were their names?**

3           A     MaryEllen was the only one who answered the  
4 phone at that time.

5           **Q     Okay. When you say she answered the phone, did  
6 you initiate a call to her?**

7           A     Yes.

8           **Q     Was that to tell her what happened?**

9           A     Yes.

10          **Q     At what stage as events were unfolding did you  
11 make that call?**

12          A     After we couldn't get through -- well, Tonya  
13 couldn't get through, I called the office.

14          **Q     All right. So -- and when you called the  
15 office you got through to MaryEllen Attmore?**

16          A     I'm not going to say that.

17          **Q     Why is that?**

18          A     Because at one time when I called I didn't get  
19 an answer, so I can't recall whether she called me or  
20 what.

21          **Q     Okay. I appreciate that clarification, but  
22 what I do want to understand is that what you're telling  
23 me is that after Tonya had difficulty with the radio  
24 system you called MaryEllen Attmore and you can't  
25 remember whether you initially got through or whether she**

1 **called you back?**

2 A Correct.

3 MR. GONZALEZ: Object to the form of the  
4 question. You can answer.

5 BY MR. COTTER:

6 Q **That's correct, right?**

7 A Correct.

8 Q **Okay. So when you spoke to MaryEllen, what did  
9 you tell her?**

10 A That we had a kid who stopped breathing on the  
11 bus.

12 Q **All right.**

13 A And we couldn't get through to K-6.

14 Q **And what did MaryEllen -- what was her  
15 response?**

16 A I don't remember.

17 Q **How long did that conversation last?**

18 A I don't remember.

19 Q **Did she give you some direction?**

20 A I don't remember.

21 Q **You don't recall whether she directed you to  
22 take some action?**

23 A No.

24 Q **All right. Was that the first call you made?**

25 A No.

1 Q What number would you have called MaryEllen at?

2 A I'm not sure.

3 Q Okay. Maybe it would be best if we asked it  
4 this way, and that is tell me as best you recall -- and  
5 your cell phone records will confirm this, but tell me as  
6 best you can recall what the sequence of calls you made  
7 as the events were unfolding that day.

8 A I called mom.

9 Q So Mrs. Herrera was the first call you made?

10 A Yes.

11 Q Second call?

12 A I'm not sure.

13 Q All right. Could the second call have been to  
14 MaryEllen Attmore?

15 A I'm not sure.

16 Q Are there other people that you called in that  
17 sequence of events?

18 A I'm not sure.

19 Q All right. So let's go back then to the people  
20 that you spoke to. You've told us about your friend  
21 Eileen. You've told us about MaryEllen. Who else did  
22 you speak with?

23 A Other than mom nobody else that I can remember.

24 Q All right. Of course we were excluding the  
25 sheriff who took a written statement from you. No one



1 else that day that you spoke to about the events that  
2 happened?

3 A I spoke with my boyfriend about it.

4 Q And who is that?

5 A Well, exboyfriend who was Cornelius Munnings.

6 Q Cornelius Monies (sic)?

7 A Uh-huh.

8 Q Is that M-o-n-i-e-s?

9 A M-u-n-n-i-n-g-s.

10 Q Thank you. Where does Mr. Munnings live?

11 A Lake Placid.

12 Q Is he still there?

13 A I guess.

14 Q Did you say Lake Placid?

15 A Yes.

16 Q When is the last time you had any contact with  
17 him?

18 A Yesterday.

19 Q Did you call him by phone?

20 A He called me.

21 Q What was the purpose of that call?

22 A Just was calling. That was all.

23 Q Are you talking about yesterday's call?

24 A No. I'm talking about back then, just was  
25 conversating. That's all.

1           **Q**     I'm referring to the call that you had with  
2     **Mr. Munnings on the day of Isabella's death.**

3           **A**     Mmm-hmm. Yes.

4           **Q**     You're just saying he just called --

5           **A**     Yes. Yes. He called me. Yes.

6           **Q**     -- just calling not related to what was  
7     **happening?**

8           **A**     No. He didn't know at the time, no.

9           **Q**     At what time did he call you, at what point in  
10    **these events?**

11          **A**     I was home.

12          **Q**     Okay. So sometime in the evening or afternoon?

13          **A**     Yeah.

14          **Q**     Anyone else that you spoke with?

15          **A**     Not that I know of.

16          **Q**     What did you tell Mr. Munnings?

17          **A**     That I had a child who died on the bus and I  
18    was upset about it.

19          **Q**     All right. So we've covered all the calls you  
20    **recall making that day; is that right?**

21          **A**     That I know of, yes.

22          **Q**     Did you have a home phone --

23          **A**     No.

24          **Q**     -- or did you just use your cell?

25          **A**     Just cell.

1           Q     And the calls that you made on the bus that we  
2 see on the video and that you told us about today were  
3 all calls you made on your own personal cell phone; is  
4 that right?

5           A     Yes.

6           Q     All right. Now, going to the next day we know  
7 that you spoke with your supervisor and did a written  
8 statement; is that right?

9           A     Right.

10          Q     Who else did you speak with either in person or  
11 on the telephone about the circumstances of Isabella's  
12 death?

13          A     My mom.

14          Q     And what's your mother's name?

15          A     Elnora Pace.

16          Q     Where does she live?

17          A     In Brandon.

18          Q     All right. Did you speak to her in person or  
19 on the telephone?

20          A     Person.

21          Q     All right. Did you go over to her home?

22          A     She came to mine.

23          Q     Did you talk about what had happened?

24          A     Some, yes.

25          Q     All right. Who else did you speak with?

1           A     My sister.

2           **Q     What's your sister's name?**

3           A     Gwendolyn Matthews.

4           **Q     Matthews?**

5           A     Yes.

6           **Q     Where does she reside?**

7           A     Lakeland.

8           **Q     Okay. Was it in person or by telephone?**

9           A     Both.

10          **Q     Okay. Again just talking generally about what**  
11 **had happened?**

12          A     Yeah.

13          **Q     Who else did you speak with?**

14          A     My brother.

15          **Q     And who is that?**

16          A     Mel Hamilton.

17          **Q     Mel?**

18          A     Yes.

19          **Q     Where does he reside?**

20          A     Lakeland.

21          **Q     In person or by phone?**

22          A     Person.

23          **Q     All right. Who else?**

24          A     That's it.

25          **Q     Did these people -- your sister, your mother,**

1     **your brother come to the house around the same time?**

2           A     Mmm-hmm.

3           **Q     Yes?**

4           A     They did, yeah.

5           **Q     All right. Now, when you went in to -- by the**  
6     **way, did you work that day? Did you transport students?**

7     **This would be January 26, 2012.**

8           A     Yes.

9           **Q     When you went and spoke to your supervisor what**  
10    **part of the day was that?**

11          A     When I went and spoke to my supervisor?

12          **Q     Well, you told us that your supervisor asked**  
13    **you to give a written statement, so I'm assuming you had**  
14    **a conversation with your supervisor that generated her**  
15    **requesting you to give a written statement.**

16          A     It was after everything happened.

17          **Q     What are you referring to? What happened on**  
18    **the next day that you're describing as everything**  
19    **happened?**

20          A     I was told that day that I needed to come to  
21    the office --

22          **Q     Yes.**

23          A     -- the following day to do -- to give a  
24    statement.

25          **Q     All right. So when you went into the office**

1 the following day, January 26, who is it that you met  
2 with from the school board, employees of the school  
3 board?

4 A Debbie Bundy.

5 Q Debbie Bundy?

6 A Yes.

7 Q Anyone else?

8 A I don't know. Not that I can recall.

9 Q Not that you recall?

10 A No.

11 Q Did you talk to her about what happened?

12 A No. I just wrote the statement.

13 Q Did she review the statement with you?

14 A I don't remember.

15 Q Do you understand what I'm asking you?

16 A No.

17 Q Did she look at the statement that you wrote  
18 and question you about it or comment on it or ask you to  
19 clarify any part of it?

20 A No.

21 Q Did you actually write it and give it to her or  
22 did you write it and leave it in the office and then  
23 leave? How did that unfold?

24 A No. I handed it to her.

25 Q All right. Did the two of you have a

1 **discussion about what happened?**

2 A Not that I remember.

3 **Q So if I'm understanding you correctly sometime**  
4 **on the 25th after Isabella's death you got a call from**  
5 **Ms. Bundy asking you to come in the next day and give a**  
6 **statement; is that right?**

7 A No. I'm not going to say that. No.

8 **Q Why is that not right?**

9 A Because I'm not sure whether she called me or  
10 MaryEllen told me, so I'm not going to say that because  
11 I'm not sure.

12 **Q Okay. So one of your supervisor, either**  
13 **MaryEllen or Debbie, contacted you and directed you to**  
14 **come in the next day to give a statement; is that right?**

15 A Yes.

16 **Q And you went into the field office the next day**  
17 **and wrote a statement; is that correct?**

18 A Yes.

19 **Q And you gave the statement to Ms. Bundy; is**  
20 **that right?**

21 A Yes.

22 **Q And you didn't have any conversation with her**  
23 **about the circumstances of the accident, you just gave**  
24 **her the statement; is that right?**

25 A That's all I can remember.

1           Q     And at any time since then has anyone from the  
2 school board, your supervisor or anyone else, ever  
3 contacted you either personally or by telephone and asked  
4 you to explain what happened to Isabella?

5           A     I don't recall.

6           Q     You don't recall meaning no they never asked me  
7 (sic) to discuss this or you just don't remember whether  
8 they ever asked you to discuss this?

9           A     I don't remember.

10          Q     Can you explain to me why you don't remember  
11 that, why you wouldn't remember that?

12          A     I don't. I don't have a reason why I wouldn't.  
13 I just don't remember if it happened. I don't remember.

14          Q     Okay. After giving that written statement to  
15 Ms. Bundy, have you ever spoken with anyone else from the  
16 school board, your supervisors or anyone else excluding  
17 your conversations that you had recently with  
18 Mr. Gonzalez about this deposition, have you spoken to  
19 anyone else from the school board about the circumstances  
20 of what happened to Isabella?

21          A     Maybe some of the aides at Sessums.

22          Q     Well, the aides are your coworkers, right?

23          A     Yeah.

24          Q     And that was more of a kind of coworker to  
25 coworker kind of perhaps comforting in terms of what you



1 had been through?

2 A Right.

3 Q I'm talking more about questions about what  
4 happened and how this could happen. Was there ever that  
5 kind of discussion with you and anyone at the school  
6 board, your supervisor or anyone else?

7 A No, that I can recall.

8 Q Any other folks that you spoke with the next  
9 day? You told me about your family. You told me about  
10 going in to give the written statement. Do you recall  
11 talking to anyone else the next day?

12 A No, I don't.

13 Q All right. Is it fair to say -- would you  
14 agree with me that the written statement that you gave to  
15 the sheriff and the written statement that you gave to  
16 Ms. Bundy represent the most accurate recollection you  
17 have about what happened --

18 A Yes.

19 Q -- to Isabella?

20 A Yes.

21 Q Yes? All right. Now, I want to begin talking  
22 about the events of January 25, 2012. All right,  
23 Ms. Hamilton?

24 A Yes.

25 Q Would you agree with me that your behavior and

1 your actions on January 25, 2012, what you did and how  
2 you acted represented the way you were trained to handle  
3 the type of crisis you were faced with with Isabella that  
4 day?

5 A Can you repeat that?

6 Q Sure. Would you agree with me that the actions  
7 that you took in connection with the problems that  
8 Isabella was experiencing that day were a result of what  
9 you were trained to do by Hillsborough County School  
10 Board?

11 A I don't remember whether it was or not. I  
12 don't remember.

13 Q If one were to watch the videotape from the  
14 moment you assisted students boarding the bus that day  
15 until the moment that Isabella was taken away for  
16 emergency care, if one were to watch that videotape and  
17 watch your actions, weren't your actions as are depicted  
18 in the video, which we have, actions that you took as a  
19 result of the way you were trained to work as a bus  
20 attendant, a bus aide for Hillsborough County?

21 A Yeah, I guess. Yeah.

22 Q In other words, you were doing what you were  
23 trained to do, am I right?

24 A Yes.

25 Q All right. Now, it's true, is it not, that it

1 was part of what was communicated to you as your training  
2 that you were not permitted to call 911 directly  
3 yourself?

4 A Yes.

5 Q Yes, that's true?

6 A (Nods head.)

7 Q Instead if you had an issue like you  
8 experienced on January 25, 2012, your training was to  
9 call the dispatcher, correct?

10 A Correct.

11 Q Now, do you have any understanding as to what  
12 the reason for that policy was?

13 A No.

14 Q And since Isabella's death, isn't it true that  
15 that policy has been changed?

16 A I don't know.

17 Q You don't know?

18 A No.

19 Q That hasn't been communicated to you?

20 A I don't know.

21 Q From the time you resumed working after  
22 Isabella's death until December of 2012 when you were  
23 unable to continue working due to your medical issues,  
24 you have no recollection of anyone training you that the  
25 policy that did not allow you to call 911 had been

1     **changed?**

2           A     Can you rephrase it?

3           **Q     Sure. I just want to make sure I'm**  
4     **understanding you correctly.**

5                    **You're telling us that at no time since**  
6     **Isabella's death on January 25, 2012, has anyone at**  
7     **Hillsborough County, your supervisor or anyone else**  
8     **informed you that you now have the authority to call 911**  
9     **directly rather than calling the dispatcher if you have a**  
10    **child who has some kind of a medical emergency?**

11          A     Okay. No. Yes.

12          **Q     Yes what? No one has ever told you that?**

13          A     I understand what you're saying now. Yes.

14          **Q     It's important for me that our record**  
15    **accurately reflects what you say. So that I'm**  
16    **understanding correctly you are agreeing with me that no**  
17    **one has ever informed you that that policy has changed?**

18          A     They have. I got an IRIS.

19          **Q     You got an IRIS?**

20          A     Yes.

21          **Q     What is an IRIS?**

22          A     An alert.

23          **Q     And can you spell that word for us, please?**

24          A     I'm assuming I-R-I-S.

25          **Q     R-I-S?**

1           A     I-R-I-S.

2           Q     I-R-I-S. Thank you. Is that a pamphlet you  
3 receive --

4           A     No.

5           Q     -- or an e-mail or what is it?

6           A     It's a phone call.

7           Q     When did you receive an IRIS alert?

8           A     I think it's been since I've been off the bus.

9           Q     Sometime between today, which is March 15, and  
10 back to December --

11          A     Yes.

12          Q     -- when you've been out on leave? Yes?

13          A     Yes.

14          Q     How does the IRIS system work?

15          A     It goes out to everybody.

16          Q     You get a recorded phone call?

17          A     Yes.

18          Q     On your cell phone?

19          A     Yes.

20          Q     And what do you recall this IRIS in particular  
21 saying?

22          A     That you could call 911 depending upon, you  
23 know, your situation.

24          Q     How does that work? In other words, your phone  
25 rings, you pick it up, and you get a recording --

1 A Right.

2 Q -- that says this is Hillsborough County IRIS  
3 alert. We're wanting to provide some information to you.  
4 Is that kind of how it works?

5 A Yes.

6 Q And can you tell me specifically what you  
7 recall this particular alert saying?

8 A That if you have a cell phone you can call 911.

9 Q All right. How frequently do you get IRIS  
10 alerts?

11 A I don't know.

12 Q Who generates them?

13 A Different people.

14 Q Okay. Can you recall how many you've received  
15 say in the last ten months?

16 A No.

17 Q No?

18 A (Shakes head.)

19 Q When you say different people, do they  
20 generally identify themselves or do they identify an  
21 office that's calling?

22 A Identify themselves.

23 Q I know you can't remember how many you received  
24 say over the last ten months, but you have confirmed that  
25 you received one about the change in policy about 911,

1 calling 911.

2 Do you recall any other subjects that you've  
3 gotten an IRIS alert on since Isabella's death?

4 A I can't recall.

5 Q All right. So if I'm understanding you  
6 correctly, you don't know the reasons why that policy was  
7 in existence on January 25, 2012 that prevented you from  
8 calling 911?

9 A No. I don't know.

10 Q Do you know what ESE means?

11 A I think so.

12 Q What do you understand it to mean?

13 A Exceptional student education.

14 Q All right. How about the acronym AED? Do you  
15 know what that means?

16 A No.

17 Q Are you familiar with that at all?

18 A No.

19 Q Do you know what a defibrillator is?

20 A Yes.

21 Q Have you ever been trained how to use one?

22 A No.

23 Q Was there one on the bus on January 25, 2012?

24 A I don't know.

25 Q So long as you have worked for Hillsborough

1 County as a bus attendant, were you ever aware of whether  
2 defibrillators were on the bus?

3 A Not aware.

4 Q And you've never been trained in how to use  
5 one?

6 A No.

7 Q Now, the bus driver that day was a person who  
8 was relatively new to bus driving for Hillsborough  
9 County, am I right?

10 A I'm not sure.

11 Q Do you know who I'm referring to?

12 A (Nods head.)

13 Q The bus driver that you worked with that day?

14 A Yes.

15 Q Do you recall her name?

16 A Tonya.

17 Q Do you recall her full name?

18 A No.

19 Q All right. When's the last time you've had any  
20 contact with Tonya?

21 A I can't remember.

22 Q All right. Was it in the last 24 hours?

23 A No.

24 Q Last week?

25 A No.



- 1 Q Last month?
- 2 A No.
- 3 Q Last two months?
- 4 A No.
- 5 Q Three months?
- 6 A No.
- 7 Q Four months?
- 8 A No.
- 9 Q Five months?
- 10 A No.
- 11 Q Six months?
- 12 A No.
- 13 Q Seven months?
- 14 A No.
- 15 Q Eight months?
- 16 A No.
- 17 Q Nine months?
- 18 A No.
- 19 Q Ten months?
- 20 A No.
- 21 Q 11 months?
- 22 A No.
- 23 Q 12 months?
- 24 A No.
- 25 Q 13 months?

1 A No.

2 Q All right. So when is the last time you had  
3 any contact with her? Was it the day of this incident?

4 A It may have been the day after.

5 Q The day after?

6 A Yeah.

7 Q Why was Tonya on the bus that day? In other  
8 words, how did she come to be assigned to that route with  
9 you?

10 A My regular driver was off.

11 Q Who was your regular driver?

12 A Eileen Hay.

13 Q All right. And how long had Eileen been out?

14 A Just that day.

15 Q And was Tonya kind of a floater?

16 A I don't know.

17 Q You know what I mean by floater?

18 A (Shakes head.)

19 Q A fill-in for somebody who might be out ill one  
20 day.

21 A She may have been. I don't know.

22 Q Had you ever worked with her before?

23 A No.

24 Q That was the first day you had worked with  
25 Tonya?

1 A Yes.

2 Q Had you ever met her before?

3 A No.

4 Q Did you ever any idea how long she had been  
5 employed by Hillsborough County prior to that day?

6 A No.

7 Q Do you know now?

8 A No.

9 Q You have no idea whatsoever how long she had  
10 been employed, Tonya, with Hillsborough County prior to  
11 January 25, 2012?

12 A No.

13 Q And as you sit here today and testify you have  
14 no idea?

15 A I can't go on hearsay.

16 Q Yes. You can tell me hearsay because hearsay  
17 has a specific legal definition. So if someone told you  
18 something who's not in here in this room today to say it  
19 themselves, you can still share that information with me  
20 and a judge some day will make a determination whether  
21 that testimony is admissible.

22 So I would like you to tell me everything you  
23 know, regardless of whatever source you got it from,  
24 except for information that you've learned from  
25 Mr. Gonzalez.

1                   **So tell me what you know about how long Tonya**  
2 **had been at the school system working prior to**  
3 **January 25, 2012, whenever you learned it from whomever**  
4 **you learned it?**

5           A       One day.

6           Q       **One day?**

7           A       One day.

8           Q       **Was that her first day or her second day?**

9           A       First day.

10          Q       **That was her first day on the job. Who did you**  
11 **learn that from?**

12          A       Just hearing other people talk about it.

13 Nobody in particular, just --

14          Q       **All right. And you say you spoke to Tonya the**  
15 **second day, in other words, January 26, the day after.**

16 **What circumstances did you have to speak with her?**

17          A       She just was checking to see how I was doing.

18          Q       **Did she call you?**

19          A       She was in Riverview also on the bus driving.

20          Q       **She was driving the next day?**

21          A       I think so.

22          Q       **A different route?**

23          A       Yeah.

24          Q       **All right. Now, look, you qualified a comment**  
25 **that you made in response to our last questions about not**

1 going to say something because it involved hearsay.

2 Are there other comments and information that  
3 you have held back in providing me today in response to  
4 my questions because you were under the mistaken  
5 impression that because they were hearsay you couldn't  
6 say it?

7 A No.

8 Q You're absolutely sure of that?

9 A Yeah.

10 Q You wouldn't want to review your transcript and  
11 double-check?

12 A No.

13 Q Now, did Tonya continue working for the school  
14 system after?

15 A I don't know.

16 Q You don't know?

17 A I don't know.

18 Q The last time you ever spoke to her was  
19 January 26, 2012 when you saw her in Riverview?

20 A I don't know about that either.

21 Q What do you mean you don't know about that?  
22 You just told me you saw her the next day.

23 A I know that. We talked on the phone, but I  
24 cannot remember if it was the day of or -- I don't  
25 remember. I don't remember.

1 Q All right. What was the nature of your phone  
2 call?

3 A She just called to see how I was doing.

4 Q She called you?

5 A Yeah.

6 Q Do you know where she is today?

7 A No.

8 Q Was it your understanding that Tonya was going  
9 to continue to do that route that you did that day on  
10 January 25?

11 A Can you rephrase?

12 Q Sure. When you worked with Tonya on  
13 January 25, the day of Isabella's death, was it your  
14 understanding that Tonya was going to continue to work  
15 that route, continue to drive that route with those  
16 children that she was driving on that day?

17 A Yeah.

18 Q What happened to Eileen?

19 A I'm not understanding.

20 Q All right. Let me start this way --

21 A I don't understand.

22 Q And thank you for asking me to clarify. I  
23 appreciate it.

24 The route that you rode that day with

25 Isabella --

1 A Yeah.

2 Q -- was that a standard route with the same  
3 children every day?

4 A Yes, for 4296 it was.

5 Q For 4296?

6 A Yes.

7 Q What does that number refer to?

8 A That's Eileen's bus, yes.

9 Q Eileen's bus? Okay.

10 A Yeah.

11 Q And how long had you worked 4296 with Eileen?

12 A Four years.

13 Q Four years. And how long had Isabella been on  
14 that bus with you?

15 A On and off maybe since November. I'm not sure.

16 Q Just about two or three months?

17 A Maybe, yeah. I'm not sure.

18 Q All right. You had never worked with her  
19 before that?

20 A Before that time, no.

21 Q Okay. So there was some other children on the  
22 bus. By my count there was at least three others. Did  
23 those children, were they all part of this same 4296  
24 route for a period of time?

25 A Yeah.

1 Q All right. Now, this was Tonya's first day on  
2 the job as you understand it, correct?

3 A Correct.

4 Q And she was there because Eileen was not able  
5 to work that day?

6 MR. GONZALEZ: Object to the form of the  
7 question, but you can answer.

8 A Correct

9 BY MR. COTTER:

10 Q And the reason Eileen was not able to work that  
11 day was because she had some kind of medical issue?

12 A I'm not sure. You have to ask her.

13 Q You don't know why she wasn't able to work that  
14 day?

15 A I didn't ask her.

16 Q Had she been working --

17 A I just knew she was going to be off.

18 Q Had she been working since?

19 A Yeah.

20 Q Okay. Now, the reason that we've come around  
21 this way because on the videotape Tonya can be heard  
22 saying words to the effect that "By the end of the week  
23 I'll know this route."

24 So that's what leads me to ask you was it your  
25 understanding that Tonya was going to continue to do that



1     **4296 route.**

2           A     I don't know.

3           **Q     You have no idea?**

4           A     Huh-uh. (Shakes head.)

5           **Q     Now, the 4296 route was a route that involved**  
6 **ESE students, right?**

7           A     Correct.

8           **Q     And how long had you had the opportunity to**  
9 **work routes that involved ESE students?**

10          A     Ever since I've been over here working.

11          **Q     So since 2006?**

12          A     (Nods head.)

13          **Q     Yes?**

14          A     Yes.

15          **Q     Okay. Now, isn't it true that at no time from**  
16 **November 2011 up until the time of Isabella's death,**  
17 **January 25, 2012, at no time in that period did anyone**  
18 **from Hillsborough County, physical therapy, occupational**  
19 **therapy, or any other therapy type of discipline give you**  
20 **instruction about how to handle Isabella and the**  
21 **placement of her head and her neck during her**  
22 **transportation to and from school?**

23          A     No.

24          **Q     That's true, correct?**

25          A     True.

1           **Q**     Now, you told us earlier that you have no  
2     **special certifications, correct?**

3           A     Correct.

4           **Q**     And that includes CPR, you are not CPR  
5     **certified; is that correct?**

6           A     No, I'm not.

7           **Q**     Have you ever had any communications with the  
8     **Herrera family?**

9           A     Meaning?

10          **Q**     Have you ever spoken to Mr. and Mrs. Herrera  
11     **outside of the events that took place on January 25,**  
12     **2012?**

13          A     No. No.

14          **Q**     Did you attend any memorial service?

15          A     No.

16          **Q**     Any funeral or anything of that nature?

17          A     No.

18          **Q**     Did you send a card?

19          A     Eileen did.

20          **Q**     Did you send a card?

21          A     I didn't, no.

22          **Q**     How did you learn of Bella's death?

23          A     Hearsay.

24          **Q**     Here you go using that word again.

25          A     School. School. School.

1 Q People at school?

2 A Yeah.

3 Q The next day?

4 A Yeah.

5 Q Do you recall who it is who told you?

6 A No.

7 Q Were you ever informed what was the reason why  
8 Bella had difficulty breathing or stopped breathing that  
9 day?

10 A No.

11 Q Do you have any understanding today?

12 A No.

13 Q Prior to January 25, 2012, did you ever have  
14 any problems or issues or concerns with Bella before?

15 A No.

16 Q I want to make sure I understand correctly.  
17 When you directed Tonya to pull the bus over --

18 A Yes.

19 Q -- you stopped at an intersection, correct?

20 A Yeah.

21 Q You were aware at that intersection there was a  
22 pediatric office, were you not?

23 A No.

24 Q Wee Pediatrics?

25 A No.

1 Q You never knew that?

2 A No.

3 Q Did Tonya know that?

4 A I have no idea.

5 Q Is that the first that you're hearing about  
6 that today?

7 A Other than hearing about it on TV.

8 Q When did you hear about it on TV?

9 A A while back.

10 Q You did not have any conversations with Tonya  
11 about being out in front of --

12 A No.

13 Q -- Wee Pediatrics?

14 A (Shakes head.)

15 Q By the way, are you paid through direct deposit  
16 or do you get a check each week or every other week?

17 A Each week.

18 Q Actually a check?

19 A Yes.

20 Q Who is that check made out from, as you recall?

21 A Made out from?

22 Q Yes. Who is the check from? Is it from  
23 Hillsborough County School Board or Hillsborough County  
24 School District?

25 A I'm not sure.

1           **Q     Do you have a copy of a stub with you?**

2           A     No.

3           **Q     You don't know though?**

4           A     No.

5                   MR. COTTER:  We've been going about an hour and  
6           30 minutes.  Would it be okay to take a five- or  
7           ten-minute break?

8                   THE VIDEOGRAPHER:  Off the record at 12:44 p.m.

9                           (Recess taken from 12:44 p.m. to 12:56 p.m.)

10                   THE VIDEOGRAPHER:  We are back on the record at  
11           12:56 p.m.

12   BY MR. COTTER:

13           **Q     Ms. Hamilton, the 4296 route that you were on**  
14   **that day, do you remember which stop was intended for**  
15   **Bella?**

16           A     Meaning?

17           **Q     Well, there was a total of four or more kids on**  
18   **that bus as I recall.  I'm just curious if you recall**  
19   **which stop she was intended to be.**

20           A     Give me one second.  She would have been the  
21   third stop.

22           **Q     Now, when you first noticed that Bella was in**  
23   **distress, I note from watching the video that you went**  
24   **back to talk with her.  Is that your recollection?**

25           A     If it's on the video, yes.

1           Q     And then you communicated to Tonya that Bella  
2 was in distress, she wasn't breathing, and that Tonya  
3 needed to call dispatch so that 911 could be called. Do  
4 you recall saying that?

5           A     If it's on the tape. (Nods head.)

6           Q     Now, it's my recollection that you never really  
7 put your hands on Bella or tried to adjust her head or  
8 her neck or her wheelchair in any way while she was in  
9 distress before her mother came on the bus; is that  
10 correct?

11          A     If it's on the tape.

12          Q     And the reason why that is is because you were  
13 not trained by anybody with Hillsborough County School  
14 Board or Hillsborough County School District -- I'm using  
15 those terms interchangeably -- you were never trained by  
16 anyone as to how to properly care for Bella and her  
17 special needs in connection with the placement of her  
18 head and neck while she was on the bus, right?

19          A     Correct.

20          Q     All right. And so really the first thing you  
21 knew to do was to call her mother; is that right?

22          A     If it's on the tape.

23          Q     So after you told Tonya to call the dispatch so  
24 that 911 could be called, you then went to another part  
25 of the bus to get a book that I assumed had the phone

1 numbers of parents; is that right?

2 A Correct.

3 Q And that's when you called Mrs. Herrera,  
4 Bella's mother, correct?

5 A Correct.

6 Q At no time prior to Mrs. Herrera coming to the  
7 bus did you ever call 911, correct?

8 A Correct.

9 Q And at no time prior to Mrs. Herrera coming to  
10 the bus did Tonya ever call 911?

11 A I don't know.

12 Q Tonya actually had difficulty with the radio  
13 system, did she not?

14 A When you say difficulty --

15 Q She was experiencing what I would describe as  
16 technical difficulties with the radio operating the way  
17 that she had expected it to work, am I right?

18 MR. GONZALEZ: Object to the form of the  
19 question. You can answer.

20 A Yes.

21 BY MR. COTTER:

22 Q And that was -- was that a hand-held radio or  
23 one that was attached to the bus?

24 A I think hand-held.

25 Q So we're absolutely clear, it's a radio and not

1 her cell phone that she was initially trying to call the  
2 dispatcher on?

3 A Correct.

4 Q And for some reason, we don't know why or you  
5 don't know why, for some reason that you don't know the  
6 reason why she was unable to get through to the  
7 dispatcher using that radio system?

8 A No, I don't.

9 Q Now, after you called Bella's mother you  
10 basically were just waiting for some intervention from  
11 either her mother or 911; is that right?

12 A Yeah.

13 Q You never -- for example, you agree with me you  
14 never took Bella out of the chair until her mother got  
15 there, correct?

16 A Correct.

17 Q And the reason for that is because that's how  
18 you understood you were trained that you were not allowed  
19 to take her out of the chair?

20 A I'm not going to say I recall that. I'm not  
21 sure.

22 Q Well, you've already told us that you  
23 got -- strike that.

24 What I want to understand from you is was there  
25 a policy that was communicated to you at some point in



1     **your work with Hillsborough County School Board and**  
2     **School District that with ESE students such as Bella**  
3     **there were no circumstances under which you were to**  
4     **remove them from their wheelchair?**

5             MR. GONZALEZ: Object to the form of the  
6     question. You can answer.

7     A     Yes.

8     BY MR. COTTER:

9             **Q     All right. Now, I noticed in the videotape**  
10    **that you never made any effort to try to determine what**  
11    **may have been blocking Bella's airway; is that right?**

12            MR. GONZALEZ: Object to the form of the  
13    question. You can answer.

14    A     There was -- I didn't see anything in Bella's  
15    mouth.

16    BY MR. COTTER:

17            **Q     Let me rephrase that. Prior to Bella's mother**  
18    **arriving on the bus, it's true, isn't it, that at no time**  
19    **you made any effort to look into her mouth and see what**  
20    **might be blocking her ability to breathe?**

21            MR. GONZALEZ: Object to the form of the  
22    question. You can answer.

23    A     True.

24    BY MR. COTTER:

25            **Q     And that's because you had never been trained**

1 on how to do that; is that right?

2 A True.

3 Q Now, is it your recollection that Tonya was  
4 unable to get through to the dispatch?

5 A Yes.

6 Q And did you ever learn the reason why?

7 A No.

8 Q Did you ever learn that the reason why was  
9 because Tonya hadn't been trained on how to properly do  
10 that under those circumstances?

11 A No.

12 Q Do you have any idea or understanding who Tonya  
13 spoke to while she was on the bus either on the radio or  
14 on the cell phone?

15 A No.

16 Q I want to make sure I understand this  
17 correctly. I believe I do, but I just want to make sure  
18 I do. You have told us that in connection with your work  
19 as a bus aide you received no emergency medical training  
20 and no CPR training?

21 MR. GONZALEZ: Object to the form of the  
22 question. You can answer.

23 A True.

24 BY MR. COTTER:

25 Q And so I'm understanding correctly the only

1 investigation that you're aware of that was undertaken  
2 either by the school board or the school district was  
3 when either Ms. Bundy or Ms. Attmore called you the day  
4 of the incident and asked you to come in the next day and  
5 give a written statement, that's the only investigation  
6 you're aware of?

7 A True.

8 Q And so I'm absolutely certain about  
9 understanding your testimony correctly, you don't recall  
10 whether there was a policy in place that allowed you to  
11 take a student such as Bella out of her wheelchair in a  
12 medical emergency? It was never communicated to you one  
13 way or the other?

14 MR. GONZALEZ: Object to the form of the  
15 question. You can answer.

16 A No. I don't recall.

17 BY MR. COTTER:

18 Q Do you know whether you felt like that day that  
19 you needed Bella's mother's permission to take her out of  
20 the wheelchair?

21 A Yes.

22 Q You felt that you did?

23 A Yes.

24 Q And why did you feel that way?

25 A The only thing that was running through my mind

1 at the time was, was I going to make her worse, injure  
2 her worse than what she was.

3 Q And the reality of that is because you just  
4 weren't really trained about how to handle a situation  
5 like that; isn't that true?

6 MR. GONZALEZ: Object to the form of the  
7 question. You can answer.

8 A Yes.

9 BY MR. COTTER:

10 Q By the way, do you know how much time went by  
11 between the time that you first instructed Tonya to  
12 contact dispatch and the time that Mrs. Herrera came onto  
13 the bus?

14 A No, I don't.

15 Q Would it surprise you to know that it was  
16 approximately nine minutes?

17 A Yeah.

18 Q Those are all the questions that I have for you  
19 right now. I just want to make sure that except where we  
20 have clarified or asked for clarification from each  
21 other, have you understood all my questions here today?

22 A Yes.

23 Q Do you feel I've given you a full and fair  
24 opportunity to respond?

25 A Yes.



1     **your bus was stopped an office called Wee Pediatrics and**  
2     **you said no. Do you remember that?**

3             MR. COTTER: Object to form.

4             A     Right.

5             MR. GONZALEZ: What's your objection to the  
6             form? What's the form?

7             MR. COTTER: Leading.

8     BY MR. GONZALEZ:

9             **Q     Do you remember a business called Wee Care For**  
10            **Kids?**

11            A     No.

12            **Q     Are you aware of any business known as Wee**  
13            **Pediatrics?**

14            A     No.

15            **Q     Have you ever heard that before?**

16            A     No.

17            **Q     Now, the Herreras are here with us today.**  
18            **Before January 25 had you seen the Herreras before?**

19            A     Yes.

20            **Q     And how often had you seen them?**

21            A     It wasn't often.

22            **Q     Okay. Where had you seen them?**

23            A     At their home.

24            **Q     And why would you see them at their home?**

25            A     When they would call us and ask us to pick up

1 Bella, that's when we mainly saw mom.

2 Q Now, first of all, when you say when they would  
3 call and ask you, did you only pick up Bella when you  
4 were called?

5 A Yes.

6 MR. COTTER: Form. I'm going to have a few  
7 objections probably, so I don't mean to interrupt  
8 you, but I will be saying them so that they go on  
9 the record. I'm sorry.

10 BY MR. GONZALEZ:

11 Q And when you would go to the house or the  
12 driver would drive the bus to the house to pick up Bella,  
13 what would you see the Herreras, one or more of them,  
14 doing?

15 MR. COTTER: Form.

16 MR. GONZALEZ: What's the objection on that?

17 MR. COTTER: Form.

18 MR. GONZALEZ: What form?

19 MR. COTTER: Form of the question, leading.

20 MR. GONZALEZ: Yes, but under the rules you  
21 have to tell me what it is.

22 MR. COTTER: I'm sorry. It's mostly going to  
23 be leading. Do you want me to just say leading?

24 MR. GONZALEZ: Yeah. No. No. That's okay,  
25 but if you just say form and if it's leading, then I

1           won't have to bother you again. Thank you.

2   BY MR. GONZALEZ:

3           **Q     So what would you see the Herreras doing when**  
4 **you would go pick up the child?**

5           A     I don't understand your question.

6           **Q     Would they come out to the bus?**

7           A     Yes.

8           **Q     And how close would they come to the bus?**

9           A     To where the lift was.

10          **Q     All right. And that was my next question.**  
11 **There was a lift on the bus?**

12          A     Yes.

13          **Q     And did the lift take the child and her**  
14 **wheelchair up to the bus?**

15                   MR. COTTER: Form, leading.

16   BY MR. GONZALEZ:

17          **Q     You can go ahead.**

18          A     Yes.

19          **Q     Who would put the wheelchair on the lift?**

20          A     Bella drove her own chair on the lift.

21          **Q     Okay. And who operated the lift? Would that**  
22 **be you or the driver?**

23          A     Eileen Hay, the driver.

24          **Q     Now, did this happen in the presence of the**  
25 **Herreras? In other words, were one or both of the**



1 **Herrerass there when Isabella drove her wheelchair onto**  
2 **the lift?**

3 MR. COTTER: Form, leading.

4 BY MR. GONZALEZ:

5 Q You can go ahead and answer.

6 A Very seldom. Mainly mom.

7 Q All right. When Mrs. Herrera was there, would  
8 she see the child being taken up on the lift into the  
9 bus?

10 A Yes.

11 MR. COTTER: Form, leading.

12 BY MR. GONZALEZ:

13 Q Did either of the Herreras ever tell you that  
14 Isabella needed anything with respect to support for her  
15 neck to ride on that bus?

16 A No.

17 MR. COTTER: Form, leading.

18 BY MR. GONZALEZ:

19 Q Did either of the Herreras ever complain about  
20 the way that Isabella was being transported in the bus to  
21 you?

22 MR. COTTER: Form, leading.

23 A No.

24 BY MR. GONZALEZ:

25 Q Okay. And did either of the Herreras ever tell

1     **you how they transported Isabella in their own vehicle?**

2           A     No.

3           **Q     You talked about -- you were asked a question**  
4     **about calling 911. Who told you about you're calling 911**  
5     **on your cell phone? In other words, did anybody at the**  
6     **school board ever tell you anything about whether you**  
7     **could use your cell phone or not to call 911?**

8           MR. COTTER: Form, leading.

9           A     No.

10    BY MR. GONZALEZ:

11           **Q     All right. So when you say that you were told**  
12     **that you couldn't call 911, what did you mean?**

13           A     We were not supposed to use our phones on the  
14     bus.

15           **Q     Okay. So you were told not to use the phones**  
16     **on the bus?**

17           A     Yes.

18           **Q     Were you told anything about how you were to**  
19     **contact or how 911 would be contacted in the event they**  
20     **were needed?**

21           A     Yes.

22           **Q     And what were you told about that?**

23           A     Through K-6.

24           **Q     And K-6 we've been using that, that's the**  
25     **dispatcher?**

1           A     Yes.

2           Q     And with respect to Ms. Attmore, do you know  
3 whether or not she was on vacation that week?

4           A     Not that I know of.

5           Q     Did you understand that Ms. Attmore was going  
6 to be permanently replaced as the driver --

7                   MR. COTTER: Form, leading.

8 BY MR. GONZALEZ:

9           Q     -- on that bus?

10          A     No.

11          Q     In fact, did Ms. Attmore come back to that bus?

12                   MR. COTTER: Form, leading. You're confusing  
13 Ms. Attmore with Ms. Hay.

14                   MR. GONZALEZ: Thank you very much. I  
15 appreciate it.

16 BY MR. GONZALEZ:

17          Q     Let me go back and ask you the question. Did  
18 you ever find out whether or not Ms. Hay told -- or took  
19 a week of vacation around this time?

20                   MR. COTTER: Form, leading.

21          A     No, she didn't.

22 BY MR. GONZALEZ:

23          Q     Do you know whether she was going to be off for  
24 the entire week?

25          A     Just that day.

1 Q Just that day?

2 A (Nods head.)

3 Q In fact did she return the next day?

4 A Yes.

5 Q Did you ride on that bus with her the next day?

6 A Yes.

7 Q And did she continue to drive that bus through  
8 the rest of that week?

9 A Yes.

10 Q And you were asked specifically about  
11 Isabella's needs. Did anybody from the school board or  
12 any place else ever tell you about any particular needs  
13 that Isabella had with respect to transportation?

14 A No.

15 Q Thank you.

16 MR. GONZALEZ: Nothing further.

17 EXAMINATION

18 BY MR. COTTER:

19 Q I have one follow-up question, ma'am. So I  
20 understand this correctly, did you say in response to a  
21 question that Mr. Gonzalez asked you that you were -- the  
22 policy was that you were not to use your cell phone while  
23 you were on the bus with the kids?

24 A We were not to use our cell phones, no, we're  
25 not.

1           **Q**     **Though you used your cell phone to call**  
2     **Mrs. Herrera; is that right?**

3           A     Correct.

4           **Q**     **And you could have, therefore, used your cell**  
5     **phone to call 911 as well, correct?**

6           A     It was not my job.

7           **Q**     **It was not your job to protect the safety of**  
8     **Bella?**

9                   MR. GONZALEZ: Object to the form of the  
10           question.

11    BY MR. COTTER:

12           **Q**     **It was not your job to ask for medical**  
13     **intervention for Bella?**

14           A     K-6.

15           **Q**     **Pardon me?**

16           A     K-6.

17           **Q**     **What did you mean when you said it's not my**  
18     **job?**

19           A     My job was to let her know that we had an issue  
20     and for her to contact K-6 and K-6 call 911.

21           **Q**     **For nine minutes you had the opportunity to**  
22     **call 911 and you didn't, correct?**

23                   MR. GONZALEZ: Object to the form of the  
24           question.

25           A     No.

1 BY MR. COTTER:

2 Q And you say the reason why you didn't was  
3 because it was not your job?

4 A Correct.

5 MR. GONZALEZ: Is that it?

6 MR. COTTER: That's it for today.

7 THE VIDEOGRAPHER: This adjourns the deposition  
8 of Joanna Hamilton taken on March 15, 2013. We are  
9 off the record at 1:18 p.m.

10 MR. GONZALEZ: Ms. Hamilton, when this is typed  
11 up if you want to you can read it. Would you like  
12 to do that?

13 THE WITNESS: Yeah.

14 MR. GONZALEZ: She'll read.

15 THE COURT REPORTER: Do you need this  
16 transcribed?

17 MR. COTTER: Yes, please.

18 MR. GONZALEZ: We'll take it.

19 THE COURT REPORTER: And you need to order a  
20 copy?

21 MR. GONZALEZ: Yes, ma'am.

22 (Concluded at 1:18 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, the undersigned authority, certify that  
JOANNA ARNEZ HAMILTON, personally appeared before me and  
was duly sworn.

JOANNA ARNEZ HAMILTON produced a State of  
Florida driver's license as identification.

WITNESS my hand and official seal this date:  
03/26/2013.

*Tonya Serino*

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TONYA LEE SERINO, R.N., FPR, CLR  
Notary Public, State of Florida  
My Commission Expires 6/23/2013  
Commission No. DD-899835

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CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, TONYA LEE SERINO, R.N., FPR, CLR, certify that I was authorized to and did stenographically report the foregoing deposition; that a review of the transcript was requested; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated: 03/26/2013.

*Tonya Serino*

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TONYA LEE SERINO, R.N., FPR, CLR  
Notary Public, State of Florida  
My Commission Expires 6/23/2013  
Commission No. DD-899835







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