

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION

4 THE ESTATE OF MONTANA LANCE, §
5 BY AND THROUGH JASON AND §
6 DEBORAH LANCE, INDIVIDUALLY §
7 AND UPON BEHALF OF HIS HEIRS §

8 VS. §
9 LEWISVILLE INDEPENDENT §
10 SCHOOL DISTRICT §

 CIVIL ACTION
 NO. 4:11-CV-00032
 (Judge Schneider/
 Judge Mazzant)

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13 TRANSCRIPTION OF NON-STENOGRAPHIC INTERVIEW

14 JANUARY 28, 2012

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1 (Beginning of Digital File)

2 MR. JOHNSON: Okay. We're here with
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3 [REDACTED]. Again, it's January 28th, Saturday, at
4 approximately 2:00 p.m.

5 [REDACTED], hi, how are you doing?

6 [REDACTED]: Good.

7 MR. JOHNSON: Good. Can you state your
8 full name?

9 [REDACTED]: [REDACTED].

10 MR. JOHNSON: [REDACTED], how old are you?

11 [REDACTED]: 12.

12 MR. JOHNSON: And, [REDACTED], what school do
13 you currently go to?

14 [REDACTED]: Lakeview Middle School.

15 MR. JOHNSON: Is that in Lewisville
16 Independent School District?

17 [REDACTED]: Yes.

18 MR. JOHNSON: Okay. And did you used to
19 attend Stewart's Creek Elementary?

20 [REDACTED]: Yes.

21 MR. JOHNSON: And did you attend it from
22 kindergarten all the way through the fifth grade?

23 [REDACTED]: Yes.

24 MR. JOHNSON: Okay. And I think I asked
25 you this earlier. But you did know who Montana Lance

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1 was?

2 [REDACTED]: Yes.

3 MR. JOHNSON: And did you see him while at
4 school?

5 [REDACTED]: Yes.

6 MR. JOHNSON: Okay. And what kind of
7 places would you have seen him at?

8 [REDACTED]: Either at lunch, the --
9 at recess, or in the hallway.

10 MR. JOHNSON: Okay. ~~And when you were at~~
11 ~~Stewart's Creek did you ever experience any bullying?~~

12 [REDACTED]: Yes.

13 MR. JOHNSON: ~~Were you bullied?~~

14 [REDACTED]: Yes.

15 MR. JOHNSON: What do you think it means
16 to be bullied, in your own words?

17 [REDACTED]: To be picked on, name-
18 calling, maybe physical.

19 MR. JOHNSON: Like beat up?

20 [REDACTED]: Yeah.

21 MR. JOHNSON: Okay. And did you
22 experience any of that while at Stewart's Creek?

23 [REDACTED]: Yes.

24 MR. JOHNSON: ~~What did you experience~~
25 ~~while at Stewart's Creek? What kind of bullying?~~

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1 [REDACTED]: ~~I would be name-called,~~
2 ~~picked on, and physical.~~

3 MR. JOHNSON: When did the -- At
4 Stewart's Creek when did the bullying start? You were
5 there from kindergarten through fifth grade. What year
6 did it start, would you say?

7 [REDACTED]: In kindergarten.
Page 3

8 MR. JOHNSON: You said some name-calling.

9 What kind of names would they call you?

10 [REDACTED] : Well, in kindergarten I
11 was given a name. They gave me the name of
12 [REDACTED]

13 MR. JOHNSON: Who gave you that name? One
14 of the students?

15 [REDACTED] : Yes. One of the main
16 bullies.

17 MR. JOHNSON: And were you called that the
18 entire time that you went to Stewart's Creek?

19 [REDACTED] : Yeah.

20 MR. JOHNSON: And why would they call you

21 [REDACTED]
22 [REDACTED] : Because I have [REDACTED]

23 [REDACTED]
24 MR. JOHNSON: Okay. When they called you
25 names, would it bother you?

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1 [REDACTED] : At first, no. But as the
2 years go by, it would get just a little annoying, and it
3 would get on my nerves.

4 MR. JOHNSON: And did you let the students
5 know that you didn't like to be called that?

6 [REDACTED] : Yes.

7 MR. JOHNSON: Did they stop?

8 [REDACTED] : No.

9 MR. JOHNSON: You were picked on also,

13 [REDACTED]: Like, maybe once or
14 twice.

15 MR. JOHNSON: But what about the other
16 times?

17 [REDACTED]: Not really.

18 MR. JOHNSON: Were you -- what kind of
19 things would the teachers or the principals tell you when
20 you were trying to tell them that you were being bullied?

21 [REDACTED]: They would say that
22 they're probably just messing around, just playing.

23 MR. JOHNSON: Were you ever called a
24 tattletale?

25 [REDACTED]: Yes.

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1 MR. JOHNSON: By the teachers? or by the
2 principal?

3 [REDACTED]: By -- Yeah, by both of
4 them.

5 MR. JOHNSON: Did you feel like the school
6 ever really helped you not get bullied?

7 [REDACTED]: Not really.

8 MR. JOHNSON: Now, you said you knew who
9 Montana Lance was, right?

10 [REDACTED]: Yes.

11 MR. JOHNSON: Did you know him -- Well,
12 let me back up. You were in the same grade as Montana,
13 right?

14 [REDACTED]: Yes.

15 MR. JOHNSON: So did you know him for
16 the -- most of the time when you were at Stewart's Creek?
17 [REDACTED]: since kinder through
18 fourth.

19 MR. JOHNSON: Okay. And would you say
20 that you saw Montana being bullied?

21 [REDACTED] : Yes

22 MR. JOHNSON: When would you say was the
23 first time you would have seen him be bullied? What
24 grade?

25 [REDACTED]: In maybe kinder or first.

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1 MR. JOHNSON: Okay. And would you say
2 that you saw him being bullied every grade that -- from
3 the first grade on?

4: Yes.

5 MR. JOHNSON: Would he be bullied multiple
6 times a day?

7 [REDACTED] : More than once.

8 MR. JOHNSON: More than once a day?

9 [REDACTED] : Yes

10 MR. JOHNSON: Did the bullying get worse
11 as he progressed in grades, or did it get better?

12 [REDACTED] : It got worse.

13 MR. JOHNSON: So the bullying would have
14 been worse in the second grade and worse in the third
15 grade, and even worse in the fourth grade?

16 [REDACTED]: Yes.

17 MR. JOHNSON: what kind of places would
Page 7

18 you see Montana get bullied in?
19 [REDACTED]: Usually at recess or in
20 the hallway.

21 MR. JOHNSON: Did you know that he was
22 trying to tell the school that he was being bullied?

23 [REDACTED]: Yeah.

24 MR. JOHNSON: Did you think other kids
25 knew that he was being bullied?

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1 [REDACTED]: Everybody knew.
2 MR. JOHNSON: Do you think the teachers
3 knew?

4 [REDACTED]: Yes.

5 MR. JOHNSON: How do you know the teachers
6 knew?

7 [REDACTED]: Because [REDACTED] the kids that
8 knew would always tell the teachers that he was being
9 picked on.

10 MR. JOHNSON: And so the teachers would
11 know?

12 [REDACTED]: Yes.

13 MR. JOHNSON: Do you think the principal,
14 or the assistant principal would have known?

15 [REDACTED]: Yeah.

16 MR. JOHNSON: Do you think they were told
17 also?

18 [REDACTED]: Yes, either by the
19 children or the teachers.

20 (Pausing)

21 MR. JOHNSON: Okay. We're back with

22 [REDACTED], you said that Montana was bullied in the

23 hallways or the corners of the hallways. Do you know why

24 he would have been bullied in that area?

25 [REDACTED]: Probably because --

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1 what's my guess -- what I would guess is that they would

2 probably put him in the corner of a hallway so a teacher

3 couldn't see him being picked on.

4 MR. JOHNSON: Uh-huh.

5 [REDACTED]: Or that he couldn't get

6 out and tell a teacher or anything. He couldn't really

7 do anything about it.

8 MR. JOHNSON: [REDACTED], you mentioned that

9 after Montana died, the students were -- the fourth-grade

10 students were talked to by a counselor at the school?

11 [REDACTED]: Yes.

12 MR. JOHNSON: And his name was Mr. Glass?*

13 [REDACTED]: Yes.*

14 MR. JOHNSON: And did Mr. Glass tell you,

15 why Montana died?

16 [REDACTED]: He said that he died

17 because of bullying.*

18 MR. JOHNSON: And who all was there when

19 Mr. Glass said that? Was that just you?

20 [REDACTED]: No, it was the whole

21 fourth grade. Each class a different day.

22 MR. JOHNSON: So your class went in to see
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23 Mr. Glass in --

24 [REDACTED]: Well, he came in.

25 MR. JOHNSON: Oh, he came in your class?

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1 [REDACTED]: Yes.

2 MR. JOHNSON: And he spoke to y'all? And
3 did he give you something also?

4 [REDACTED]: Yes, he gave us, like, a
5 little box that had stuff in it.

6 MR. JOHNSON: Did Mr. Glass say anything
7 else about bullying? That bullying was bad, or
8 that y'all should stop bullying, or anything like that?

9 [REDACTED]: He told us that if we
10 were bullying people, to don't do it, because bullying is
11 bad.

12 MR. JOHNSON: Okay. Had Mr. Glass ever
13 told you that before?

14 [REDACTED]: Yes.

15 MR. JOHNSON: Okay.

16 (Pausing)

17 Okay, [REDACTED]. We're back on. I want to
18 ask you another question about Montana. Did you ever see
19 Montana bully anybody?

20 [REDACTED]: No.

21 MR. JOHNSON: Would it surprise you if
22 someone said he was a bully?

23 [REDACTED]: Yes.

24 MR. JOHNSON: Why?

25

[REDACTED]: Because I've never seen

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12

1 him bully anybody. And every time that we would hang
2 out, he would always be nice to me.

3 MR. JOHNSON: Okay. But you did see him
4 get bullied?

5 [REDACTED]: Yes.

6 MR. JOHNSON: Okay. Thanks.

7 (End of Digital File)

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1 I, JOE L. CREWS, a Certified Shorthand Reporter in
2 and for the State of Texas, hereby certify to the
3 following based on representations made on the video file
4 and in writing:

5 That the transcript of the video file of the
6 conversation represents a true and accurate
7 transcription, to the best of my ability, of the video
8 file.

9 I further certify that I am neither counsel for,
10 related to, nor employed by any of the parties or
11 attorneys in the above-captioned action, and further that
12 I am not financially or otherwise interested in the
13 outcome of the action.

14 Given under my hand of office this the 31st day of
15 January, A.D. 2012.

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