

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

KARELLEN STEPHENS guardian )  
ad litem for Qadria Stephens, )  
 )  
Plaintiff, )  
 )  
v. ) No. 0711-13836  
 )  
AIMEE McQUISTON, )  
 )  
Defendant. )

**DEPOSITION OF QADRIA STEPHENS**

Taken in Behalf of Defendant

February 26, 2008

COPY

**BR** Brenda Y. Rogers  
Court Reporter

P.O. Box 82925  
Portland, OR 97282-0925  
503-422-2532  
depo@brenda-courtreporter.com

1 BE IT REMEMBERED That, pursuant to  
2 Oregon Rules of Civil Procedure, the deposition of  
3 QADRIA STEPHENS was taken before Brenda Y. Rogers,  
4 Certified Shorthand Reporter for the State of Oregon,  
5 on Tuesday, February 26, 2008, commencing at the hour  
6 of 9:17 a.m. in the law office of Lachenmeier Enloe  
7 Rall & Heinson, 9600 Southwest Capitol Highway, in the  
8 City of Portland, County of Multnomah, State of  
9 Oregon.

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**APPEARANCES**

13

14 Vangelisti Kocher  
15 By Mr. Scott F. Kocher  
16 Appearing in behalf of Plaintiff

17

18 Lachenmeier Enloe Rall & Heinson  
19 By Mr. Rudy R. Lachenmeier  
20 Appearing in behalf of Defendant

21

22 Also present: Karellen Stephens  
23 Aimee McQuiston  
24 Susan O'Leary

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EXAMINATION INDEX

		<u>Page</u>
Examination by Mr. Lachenmeier		5

EXHIBIT INDEX

<u>No.</u>	<u>Description</u>	<u>Page</u>
1	Diagram	36

1 MR. LACHENMEIER: Hi.

2 MISS STEPHENS: Hi.

3 MR. LACHENMEIER: What's your name?

4 MISS STEPHENS: Qadria.

5 MR. LACHENMEIER: Qadria, this is a  
6 court reporter, and her name is Brenda Rogers, and she  
7 is writing down every single thing that either one of  
8 us says. Do you understand that?

9 MISS STEPHENS: Uh-huh.

10 MR. LACHENMEIER: It's easier if you  
11 say yes or no rather than uh-huh so we don't have to  
12 argue later about who said what. Okay?

13 MISS STEPHENS: Okay.

14 MR. LACHENMEIER: This is being put  
15 down and is going to go into a book. If it was used  
16 later, if you said something different than you did  
17 today, it can be pointed out. But as long as you tell  
18 the truth, we have nothing to worry about, right?

19 MISS STEPHENS: (Nodded)

20 MR. LACHENMEIER: That's yes, for the  
21 record?

22 MISS STEPHENS: Yes.

23 MR. LACHENMEIER: Okay. Do you know  
24 what it means to tell the truth?

25 MISS STEPHENS: Uh-huh, yep.

1 MR. LACHENMEIER: She's going to give  
2 you an oath and ask you if you're going to tell the  
3 truth. And that's what this is all about. If you  
4 agree, you can just say yes. And if you don't, we  
5 have to figure out why. Okay?

6 MISS STEPHENS: Okay.

7  
8 **QADRIA STEPHENS**

9 was thereupon called as a witness and, after having  
10 been first been administered a child's oath to tell  
11 the truth, was examined and testified as follows:

12  
13 **EXAMINATION**

14 **BY MR. LACHENMEIER:**

15 Q Let's start with some easy questions. Okay?

16 A (Nodded)

17 Q How old are you?

18 A Nine.

19 Q Nine? Where do you go to school?

20 A Hayhurst.

21 Q Hayhurst. Okay.

22 A Elementary School.

23 Q What was the last part? I'm a little bit  
24 deaf.

25 Do you have any friends or grandpas or

1 anything that are hard of hearing? I'm a little hard  
2 of hearing.

3 A Well, yeah, I have a grandmother that I have  
4 to speak up for my grandma.

5 Q I know it's a little intimidating for a  
6 lawyer to ask you silly questions, but I need you to  
7 speak up loud. Okay? I listened to too much loud  
8 music when I was a kid, and I don't hear as well as I  
9 once did. Okay?

10 A Okay.

11 Q Are you missing school today?

12 A No.

13 Q Is it a day off?

14 A No.

15 Q Tell me the rest of it, then. How come  
16 you're not missing school and it seems like a school  
17 day?

18 A I'm just going to go after this deposition  
19 thing.

20 Q Oh, okay. Fair enough.

21 Tell me a little about Sophie. You  
22 know Sophie, don't you?

23 A Uh-huh.

24 Q How long have you known Sophie? Long time?

25 A When I was in kindergarten. That's how

1 long.

2 Q Is that where you met her?

3 A I met her at Maplewood. We were in  
4 kindergarten when we met. After first grade, I  
5 decided to move to Hayhurst, and I told her if she  
6 wanted to, and her parents agreed. So we -- yeah, we  
7 just went to the same school, and I got into second  
8 grade.

9 Q My understanding is Hayhurst has a regular  
10 public school and another school, and you're in the  
11 other school, right?

12 A There's like, okay, two hallways. One is  
13 like, yeah, just a regular school, and then one  
14 hallway is like the Odyssey side, which the Odyssey  
15 side is more like learning and history and more like  
16 experience.

17 For one thing, I'm studying Native  
18 Americans and, like, we dressed for powwow. And we're  
19 going to start studying -- we're going to start  
20 studying, like, the white men's perspective. And  
21 we're going to go to the Yakima reservation for a  
22 three-day, two-night trip, and we're going to sleep in  
23 teepees and sketch pictures and stuff of how the  
24 Yakima reservation looks like.

25 Q Are you an artist? Do you draw pretty well?

1 A Yeah, pretty much.

2 Q I think you told us that you actually made  
3 your headband, right?

4 A Yep.

5 Q Is that a school thing too?

6 A Yeah.

7 Q Very nice, very nice.

8 Before this incident occurred -- and  
9 we're going to call it an incident with the hot water.  
10 Before this incident, had you ever been to Sophie's  
11 house?

12 A Uh-huh, yes.

13 Q Had you stayed overnight before?

14 A Yes.

15 Q Had you taken a bath with Sophie before?

16 A No.

17 Q That was the first time?

18 A Yes.

19 Q Okay. The day that happened, was it a  
20 school day or a not school day or what was going on?

21 A I think it was a Friday.

22 Q Okay. Do you remember whether or not you  
23 went to school that day?

24 A Yeah, I went to school on Friday. I'm  
25 pretty sure it was a Friday. I'm not sure, but pretty



1 sure.

2 Q It was a Friday anyway, whether it was a day  
3 on or a day off, right?

4 A Uh-huh.

5 Q So when did you first talk to Sophie that  
6 day?

7 A Well, I'm not pretty -- I'm not sure.

8 Q When did you -- do you remember whether you  
9 saw her in the morning or saw her for lunch? Or  
10 when's the first time you're sure you were with  
11 Sophie?

12 A Well, in the morning. In the morning when  
13 school started.

14 Q Hmm?

15 A In the morning when school started.

16 Q In the morning when school --

17 A Yeah, when we were in our classroom.

18 Q What about the afternoon? What do you do?

19 A After school?

20 Q Yes.

21 A Well, I think Aimee picked us up and --  
22 well, I'm not sure, but I think we dropped off Jeremy,  
23 Sophie's carpool, first; then we went to Sophie's  
24 house. Then we just, like, played.

25 Q Was that planned ahead of time? In other

1 words, did you know the day before that you were going  
2 to go to the Sophie's house that day?

3 A Yes.

4 Q And you were going to Sophie's house to do  
5 what?

6 A Spend the night.

7 Q And you'd spent the night there before?

8 A (Nodded)

9 Q Yes?

10 A Yes.

11 Q And she'd spent the night at your house  
12 before?

13 A Yes, yes.

14 Q I forgot to ask you. Do you have brothers  
15 and sisters?

16 A Yes, three siblings.

17 Q How old are they?

18 A I have a sister who, right now, is four, and  
19 she's going to turn five June 1st.

20 Q What's her name?

21 A Kamyah.

22 Q What other siblings do you have?

23 A I have a brother named Kymani. Right now,  
24 he's seven, and he's going to turn eight September  
25 13th. And I have a little brother who's three. And

1 his name is Kaiden, but we call him Tevvy.

2 Q Call him what?

3 A Tevvy.

4 Q How come?

5 A I don't know.

6 Q Just for fun?

7 A Yep.

8 Q Okay.

9 A And it's his nickname.

10 Q All right.

11 A His birthday is December -- December --  
12 what's his?

13 MS. STEPHENS: It's okay.

14 BY MR. LACHENMEIER (Continuing):

15 Q That's all the brothers and sisters?

16 A Yep. And I'm the oldest.

17 Q You're what?

18 A The oldest.

19 Q What was your date of birth?

20 A [REDACTED]

21 Q What year? This is a test here.

22 A [REDACTED].

23 Q Okay. So you end up at Sophie's house after  
24 school, in the afternoon anyway, right?

25 A Uh-huh.

1 Q Who's there at the house?

2 A Aimee, Todd. Not very sure if Sophie's  
3 sister was there. But I know that Aimee and Todd were  
4 there.

5 Q And Sophie, of course?

6 A Yeah.

7 Q When you first got there, do you remember  
8 what you did? Did you play?

9 A Yeah, we played.

10 Q What did you play?

11 A I'm not sure, but we played.

12 Q What kinds of things did you usually play?

13 A Well, like, we did karaoke, and, like, we --

14 Q Do they have a karaoke machine?

15 A Yes.

16 Q What did you sing?

17 A I'm not sure either, but I know I sang the  
18 songs.

19 Q What else did you do that day that you  
20 remember?

21 A We played with this -- with these little  
22 Polly Pocket thingies. I'm not sure.

23 Okay. I had one, and it was from,  
24 like, China. My dad brought one. It's like these  
25 little tiny girl peoples, and there's stores and stuff

1 and house and stuff.

2 Q So teeny dollhouse, sort of?

3 A Yeah.

4 Q Whose idea was it to take a bath?

5 A Sophie's.

6 Q What was the idea? Were you going to play  
7 in the tub?

8 A I guess, yeah.

9 Q Did she have any bathtub toys?

10 A No, we were just going to splash around or  
11 something.

12 Q Splash around in the water. So what happens  
13 next? Somebody decides you're going to take a bath.  
14 So what happens?

15 A Okay. So we wait for a while. We were  
16 going to play a game board, but we didn't end up doing  
17 that. So we took a bath.

18 We turned on the water, and Sophie told  
19 me that her mom, like -- like, makes this hot boiling  
20 water and pours it in the tub so it's hotter, because  
21 we both like really hot water.

22 Q Do you usually take baths at home or do you  
23 usually take showers?

24 A Showers.

25 Q So Sophie had told you you might have to get

1 some hot water to get it hot enough?

2 A No, she told me, like, "Do you want to  
3 get -- do you get the -- do you want me to have my mom  
4 get hot water and pour it in the tub so it's hotter?"

5 I said yeah, because --

6 Q Usually like hot water? You take hot  
7 showers?

8 A Yeah. Well, not very hot, but hot enough.

9 Q Have you ever been in a hot tub?

10 A No.

11 Q No. Okay. So were you in the tub a while  
12 before the hot water came in?

13 A Yeah.

14 Q How long? Any idea how long? Were you  
15 playing for a while or --

16 A Yeah, we were playing for a while. And then  
17 when Aimee came in with the hot boiling water, Sophie  
18 stood on one side of the corner of the tub and I stood  
19 on the other side. And when she was pouring the hot  
20 water, I slipped. And then it got on me, the hot  
21 water got on me, and then she stopped pouring.

22 And Todd came in, and Aimee said,  
23 "Don't come in here." And she put her robe on me and  
24 put me on the upstairs couch, and I waited there a  
25 little bit with Sophie.

1                   And then they moved me downstairs so I  
2 could watch a movie. And I was crying. "I want to go  
3 home. I want to see my mommy and daddy."

4                   After a while, I calmed down. And then  
5 Aimee told me that she would go to the house -- go to  
6 my mom and dad's house. She would put me in the car  
7 and take me to my mom and dad's house, because she was  
8 trying to call them, but they didn't answer.

9                   And then I guess what mom said was  
10 Kamyah, she really wanted -- she really wanted to call  
11 me, and she was like -- she was crying and stuff, and  
12 finally they let her call me. And then that's how  
13 they found out that I was burned.

14           Q       Let's back up a little bit. Okay?

15           A       (Nodded)

16           Q       I want to make sure I understand how this  
17 happened. Now, you're in the bathtub with Sophie.  
18 That's where we are. And Aimee comes in with the  
19 teakettle, right?

20           A       Yeah.

21           Q       At that point, do you get out of the  
22 bathtub?

23           A       Yes, I get out and stand on the corner and  
24 hang onto the edge of the wall.

25           Q       You were on the edge, balancing?

1 A I was right here and hanging onto the wall,  
2 and here was Sophie. And I slipped and she was still  
3 pouring. That's when I got burned.

4 Q What I want to understand is, first of all,  
5 the bathtub sits a little higher off the floor, right?

6 A Yep.

7 Q When she was pouring, were you standing on  
8 the edge of the bathtub or on the floor of the  
9 bathtub?

10 A I was standing on the edge of the bathtub,  
11 on the corner.

12 Q But on the bathtub itself?

13 A Yes.

14 Q Was Sophie standing on the other side of the  
15 tub or was she completely out of the tub?

16 A She was on the other side of the tub.

17 Q Completely out of the tub?

18 A Yes.

19 Q What were you holding onto?

20 A I was holding onto the corner, onto the  
21 wall. I was just holding onto the wall.

22 Q So Aimee starts pouring the water?

23 A Yes.

24 Q Was she halfway between you and Sophie?

25 A Yes.



1 Q Is there anything else that happens that  
2 scares you or causes you to fall, or what happened?

3 A I slipped and I hurt myself. I hurt  
4 myself -- I slipped on -- in the water where she was  
5 pouring, and like I was like, "I got burned, I got  
6 burned."

7 Q I understand that. What I'm trying to  
8 figure out is what caused you to slip. Do you  
9 remember?

10 A The water. I think some water on the tub.

11 Q Was there soap in the water?

12 A I'm not sure. I think there probably was,  
13 but I think it was just the water.

14 Q Well, for instance, was there a bubble bath  
15 going on?

16 A No.

17 Q No bubbles?

18 A I'm not sure.

19 Q Any toys?

20 A No.

21 Q Any squirt guns?

22 A No.

23 Q No? Guess that's a boy thing.

24 So nothing scared you; you weren't  
25 trying to get away from anything; you just slipped

1 into the tub?

2 A Uh-huh.

3 Q Is that right?

4 A Well, wait. I remember then, like, Todd  
5 coming in and I trying to hide so he wouldn't see me,  
6 and then slipping.

7 Q So Todd came into the bathroom or you just  
8 heard his voice or what?

9 A He came into the bathroom. That's when  
10 Aimee said, "Oh, don't come in here." Then I slipped  
11 because I didn't want to be seen.

12 Q So you were trying to get around the edge of  
13 the tub?

14 A Yes. This is where the tub is, and this is  
15 the water running, and this is where she's pouring,  
16 and this is me. And I hear him coming in, and I tried  
17 to move right here, and I slipped.

18 Q Sounds like you could draw this. Could you?

19 A I guess.

20 Q Let's give it a try and see. If it gets too  
21 hard, we just won't do it. All right?

22 A (Drawing) I'm just going to draw stick  
23 people.

24 Q What I want to know is right before you  
25 fell. That's what I want to see.

1 A Okay.

2 Q You can put anything else you want in the  
3 diagram.

4 A (Drawing) This is supposed to be Sophie.  
5 Looks like she's falling down.

6 Q Write a little S on her somewhere.

7 A Okay. And this is me.

8 Q Perfect.

9 A And this is -- we kind of look like we're  
10 falling down right now.

11 Q Well, you're doing better than I can draw.

12 A Just drawing stick people. I can draw  
13 better than this.

14 Q Well, I can't.

15 Is that right in the doorway? Is that  
16 where Todd was?

17 A This is the sink thingy. This is the sink.  
18 So this is kind of where I was.

19 Q So what was Todd doing coming in the  
20 bathroom? Was he asking you where you were going to  
21 sleep?

22 A I don't know.

23 Q Was he saying something to somebody --

24 A I don't know. I'm not sure.

25 Q Did he get clear in the bathroom or just in

1 the door?

2 A He was like -- here's the door. He was  
3 about right here (drawing).

4 Q Right in the doorway?

5 A Yeah.

6 Q Was the door open halfway or all the way?

7 A All the way.

8 Q Did it open in or open out?

9 A This way here, out.

10 Q Okay. What did Todd say? Anything?

11 A He didn't say anything.

12 Q What did Aimee say?

13 A Well, what -- I'm not sure what she said,  
14 but all I know is kind of like how it happened, like  
15 when they pour -- 'cause I forgot.

16 Where she poured, she was like, "Oh,  
17 no," and she gave me the robe and all that stuff.

18 Q Your voice is getting so soft.

19 Then she gave you a robe, and then  
20 what?

21 A I just sat on the couch, and Sophie and Todd  
22 said, "Just try not to think of what just happened and  
23 it won't hurt that much. Try not to think of how it  
24 hurts."

25 And I just cried. And I stopped a

1 second and I started crying. When I got downstairs, I  
2 stopped and, "I want my mommy."

3 Q Let's talk about the water itself. It's  
4 coming out of the teakettle?

5 A Yes.

6 Q And it hit what leg?

7 A It hit me --

8 Q The one you just showed us, right?

9 A Yeah.

10 Q Which one is that? You know your right and  
11 your left?

12 A I guess it was my right.

13 Q Well, tell me this --

14 A Or my left.

15 Q Tell me this.

16 A This way.

17 Q What direction were you facing when you  
18 slipped? Were you facing towards the wall behind the  
19 tub? Towards the front?

20 A This was me, and I fell down right here, and  
21 I was, like, right here.

22 Q Looking which way?

23 A This way.

24 Q Right, towards Aimee?

25 A Yeah.

1 Q Okay. That's fine. That's enough drawing  
2 though. If you draw anymore, I'll get confused.

3 A Okay.

4 Q When we're done here, remind me to mark  
5 that.

6 Obviously, it hurt.

7 A Yes.

8 Q So somebody gives you a robe. Was that  
9 Aimee?

10 A Uh-huh.

11 Q Did somebody get some frozen peas or  
12 something to put on it?

13 A Yes.

14 Q Did you go down to the basement?

15 A First, I went on the upstairs couch, then to  
16 the basement.

17 Q Did you get the peas right away?

18 A Yes. But first she put water on me.

19 Q From the tub?

20 A Yes.

21 Q She ran cold water on it right away?

22 A Yes.

23 Q Did that help? Did it take some of the  
24 sting out of it or not?

25 A Not really how I felt, didn't really --

1 'cause I wasn't thinking about anything else but --

2 Q Okay. And so who took you to the basement?

3 A I think Todd carried me down.

4 Q Okay. And then what happened after that?

5 You were watching movies or TV while they're trying to  
6 call your mom?

7 A Uh-huh, watching a movie.

8 Q Eventually, they get hold of your mom; is  
9 that right?

10 A Well, they don't get ahold of her -- they  
11 don't get ahold of my mom. Kamyah really wanted to  
12 call me, and then pretty soon my mom and dad just  
13 called so Kamyah can get on the phone. So that's when  
14 they heard about it.

15 Q You're saying Kamyas?

16 A Kamyah.

17 Q That is who?

18 A My sister.

19 Q Oh, okay. I'm sorry.

20 Then who comes to pick you up?

21 A My mom and dad. And then they take -- then  
22 we go to the house first. I'm not sure why. Then we  
23 go to the hospital.

24 Q Okay.

25 A And, like, then I, like, go to the emergency