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FILED
LOS ANGELES SUPERIOR COURT

SEP 02 2011

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8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

11 **DAVID COPPEDGE**, an individual;

12 Plaintiff,

13 vs.

14 **JET PROPULSION LABORATORY**, form
15 unknown; **CALIFORNIA INSTITUTE OF**
16 **TECHNOLOGY**, form unknown;
17 **GREGORY CHIN**, an Individual; **CLARK**
18 **A. BURGESS**, an Individual; **KEVIN**
19 **KLENK**, an Individual; and **Does 1** through
20 **25**, inclusive,

21 Defendants.

Case No. BC435600

OBJECTIONS TO EVIDENCE

[Opp. To Mot; Mem. Of P's & A's; Resp. to
Sep. Stat. of Undisp. Mat. Facts; Pl.'s
Sep.Stat. of Add. Disp. & Undisp. Mat. Facts;
Obj. to Evid.; Decl. of W. Becker, Jr.; Decl. of
D. Coppedge; Decl. of D. DeWolfe; Decl. of
L.Ball; Appdx. Of Fed. And Non-Calif. Cases;
Exhibits; Not. Of Ldg't; and [Prop'd] Order
Re: Obj. To Evid. filed concurrently herewith]

HEARING DATE: September 16, 2011
HEARING TIME: 8:45 a.m.
DEPT: 54

Trial Date: October 19, 2011

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23 Plaintiff, David Coppedge, hereby submits his objections to the evidence submitted in the
24 Separate Statement Of Undisputed Material Facts In Support Of Defendant California Institute
25 Of Technology's Motion For Summary Judgment Or, In The Alternative, Summary Adjudication
26 Of Issues.

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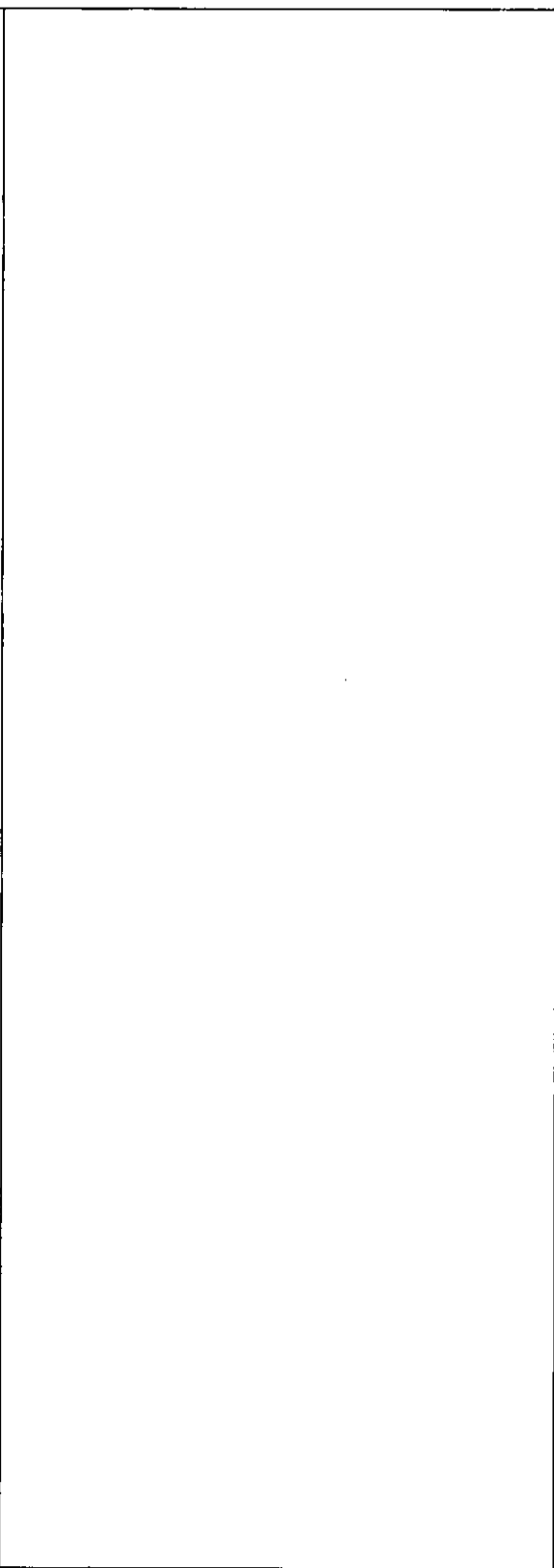
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<u>MATERIAL OBJECTED TO</u>	<u> GROUNDS FOR OBJECTION</u>
Defendant's Alleged Fact ¶ 19: Chin received complaints from twenty-five different managers and staff about Coppedge's uncooperative attitude and poor interpersonal skills.	
<p>Chin 80:15-81:18 ("Q. . . . Can you give me your impression of what the preponderance of complaints was generally related to? A. . . . so there were some technical issues, and there were some personality issues, and there are some performance issues."); Chin 54:16-55:20 ("Q. Did any of their dissatisfaction relate to David's temperament? MR. ZAPP: Objection. Vague as to "Temperament." A. Temperament is a characteristic I guess you could use, yes. Q. What did they say about his temperament? MR. ZAPP: Same objection as to "Temperament." Go ahead. A. Noncooperative. Q. Was that the word they used? A. I don't recall if that's the exact word. Q. And did they describe to you why they felt that he was not cooperative? A. To the extent that people would make suggestions and Dave would -- "No, I can't do this" or "No." It was usually answering in a nega-</p>	<p>Objection. Hearsay (Cal.Ev.Code § 1200). Irrelevant. (Cal.Ev.Code §§ 210, 350-351). Evidence of "complaints" about Plaintiff's "uncooperative attitude and poor interpersonal skills" has no tendency to prove or disprove whether (1) JPL discriminated against Coppedge on the basis of religion or political activity, (2) whether JPL's conduct constitutes an adverse employment action, or (3) whether JPL retaliated against Coppedge.</p>

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tive manner.”); Chin 82:15-84:22 (“Q. Now, you used the word “personality issues.” . . . what didn’t they like about it? A. . . His personality in terms of they did not like working with him. They felt he was insincere. They would talk to him. They would believe he would not listen to them and has already formed an opinion about what he is going to do and just ignore them. And Dave -- and -- he didn’t do anything feisty, angry, malicious. He was pleasant, but they felt he was being insincere about it. And I guess that annoyed them. Q. They feel he was stubborn? A. That would be a word that could be used, yes. Q. Did they say he was unpleasant? MR. ZAPP: Objection. Vague. Q. Or words to that effect? A. They said it would be unpleasant to be working with David.”); Chin 71:16-73:13 (“Q. . . . But who else complained about David? These are customers you’re talking about? A. Customers, colleagues. Q. Well, I didn’t ask you about colleagues, but why don’t we just get all the



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names out right now, and we can go through it. . . I'll list the names of people you've mentioned already, and then you can add to that list so that we have it on one page. Diane Conner, Barbara Larsen, Carol Wong, Don Fleischman, Nancy Grenander, Pam Woncik, Sue Linick, and Kathryn Weld. MR. ZAPP: And Patti Smith. MR. BECKER: Patti Smith. . . . MR. BECKER: He was going to add to the list. A. Tammy Fujii. . . . Margaret Weisenfelder . . . Harvey Chien, Nick Patel, Oscar Castillo, Robert Kremer, Bob Jobsky. . . . Vicky Barlow, Carmen Vetter, Nancy Grenander, Bob Mitchell, Julie Webster. . . . Scott Edgington. . . . Bruce Elgin; Marris Rubio; Carol Boyles, . . . Mou Roy . . . Don Fleischman. That's all the names I'm recalling at the moment without sounding repetitive."

Defendant's Alleged Fact ¶ 20: There were several people who complained about interacting with Coppedge and/or chose not to work with him. Tr. 534:22-535:18

Coppedge Tr. 534:22-535:18 ("Q. Isn't it true that there were several people who com-

Objection. Hearsay (Cal.Ev.Code § 1200). Irrelevant. (Cal.Ev.Code §§ 210, 350-351).

11/13/2013 11:11

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plained about interacting with you and/or chose not to work with you even though you may have disagreed with their perceptions? Isn't that in fact true? The question is weren't there several people who complained about interacting with you and/or chose not to work with you but to work with others, even recognizing you may have disagreed with that perception? A. Yes . . .")

Evidence that several people complained about interacting with Coppedge and/or chose not to work with has no tendency to prove or disprove whether (1) JPL discriminated against Coppedge on the basis of religion or political activity, (2) whether JPL's conduct constitutes an adverse employment action, or (3) whether JPL retaliated against Coppedge.

Defendant's Alleged Fact ¶ 49: Burgess decided to remove Coppedge as lead because Chin had told Burgess about complaints regarding Coppedge for years, and this was another instance of Coppedge creating conflicts with others.

Burgess 96:20-97:4 ("And I came to the realization and conclusion that this was kind of like the straw that broke the camel's back, where I've had several years of input from various people through Greg that -- including the project manager, Bob Mitchell, was very uncomfortable and dissatisfied with David's performance. and so these issues that came up during this letter that we presented him finally was just -- I couldn't take it anymore."); Klenk Ex. 44, at page 20 (transcript

Objection. Hearsay (Cal.Ev.Code § 1200).

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of tape recording Coppedge made of April 13, 2009 meeting; Burgess speaking: "And the idea there is that you won't have that interface to these people out there on the project that are complaining that they're uncomfortable with your actions."); Tr. 432:16-433:19 ("Q. What do you recall Mr. Burgess saying when he told you that he was relieving you of the lead responsibilities? . . . A. My recollection only, but the record states what was actually said, that because of the poisonous atmosphere that all of this had created, he felt it best to remove me from my team lead position. Q. . . . And is -- do you recall him saying, "that all of this had created"? What did you understand him to be referring to? . . . A. I don't recall word for word what was said. It's a matter of record. But my understanding was that, as he said in this email, all of this started March 2, and it had created a -- an atmosphere of conflict, in his opinion, and he thought it best to remove me as team lead.").

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899/02/11

1 DATED: September 2, 2011

THE BECKER LAW FIRM

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3 By:



4 WILLIAM J. BECKER, JR., ESQ.
Attorneys for Plaintiff, DAVID COPPEDGE

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