

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 02 2011

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By Glorietta Robinson Deputy

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

10 **DAVID COPPEDGE**, an individual;
11 Plaintiff,

12 vs.

13 **JET PROPULSION LABORATORY**, form
14 unknown; **CALIFORNIA INSTITUTE OF**
15 **TECHNOLOGY**, form unknown; **GREGO-**
16 **RY CHIN**, an Individual; **CLARK A.**
17 **BURGESS**, an Individual; **KEVIN KLENK**,
18 an Individual; and **Does 1** through **25**, inclu-
19 sive,
20 Defendants.

Case No. BC435600

The Honorable Ernest M. Hiroshige, Dept. 54

**PLAINTIFF DAVID COPPEDGE'S
AMENDED PROPOSED SPECIALLY-
PREPARED JURY INSTRUCTION NO.
1: LIABILITY FOR DISCRIMINATION
BASED UPON PERCEPTION OF
RELIGIOUS BELIEF**

FSC: December 2, 2011
HEARING TIME: 8:30 a.m.
DEPT: 54

Trial Date: December 14, 2011

21 An employer can be liable for religious discrimination against the employee even if the
22 employer's beliefs about the employee's faith or religion are mistaken. In this case, you must
23 decide whether Defendant California Institute of Technology (Jet Propulsion Laboratory) dis-
24 criminated against Plaintiff because of what Defendant perceived to be Plaintiff's religious faith
25 and beliefs.

26
27 Source: *Delaney v. Superior Fast Freight* (1993) 14 Cal.App.4th 590,596 (employer defendant
28 violated plaintiff's rights by treating the plaintiff unfairly and imposing an adverse employment

1
2 action against the plaintiff based upon employer's assumption that the plaintiff belonged to a pro-
3 tected category).

4 Source: *Estate of Amos v. City of Page, Ariz.* (9th Cir. 2000) 257 F.3d 1086, 1094 (civil rights
5 violation lies where defendant treated victim differently because the defendant mistakenly be-
6 lieved the victim was a member of a different race or ethnicity).

7 Source: Govt. Code § 12926(m) (“‘Race, religious creed, color, national origin, ancestry, physi-
8 cal disability, mental disability, medical condition, marital status, sex, age, or sexual orientation’
9 includes a perception that the person has any of those characteristics or that the person is asso-
10 ciated with a person who has, or is perceived to have, any of those characteristics.” (Emphasis
11 added.)

12 Source: Govt. Code § 12926(o) (“‘Religious creed,’ ‘religion,’ ‘religious observance,’ ‘reli-
13 gious belief,’ and ‘creed’ include all aspects of religious belief, observance, and practice.”
14 (Emphasis added.)

15 DATED: December 1, 2011

16 **THE BECKER LAW FIRM**

17 William J

18 By: Becker Jr, Esq

19 WILLIAM J. BECKER, JR., ESQ.

20 Attorneys for Plaintiff, DAVID COPPEDGE

21 Digitally signed by William J Becker Jr,
22 Esq
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26 Date: 2011.12.01 15:48:41 -0800