

1 William J. Becker, Jr., Esq. (SBN 134545)
2 **THE BECKER LAW FIRM**
3 11500 Olympic Blvd., Suite 400
4 Los Angeles, California 90064
5 Phone: (310) 636-1018
6 Fax: (310) 765-6328
7 Attorneys for Plaintiff, David Coppedge

FILED
Superior Court of California
County of Los Angeles
DEC 14 2011
John A. Clarke, Executive Officer/Clerk
By M. Soto, Deputy
MOSES SOTO

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
10

11 **DAVID COPPEDGE**, an individual;

Case No. BC435600

12 Plaintiff,

**DECLARATION OF WILLIAM J.
BECKER, JR. RE: PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION IN LIMINE #3; EXHIBITS**

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,

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

Trial Date: October 19, 2011

21 Defendants.

22 I, William J. Becker, Jr., declare as follows:

23 1. I am an attorney admitted to practice before all the courts in the State of California
24 and counsel of record for David Coppedge, Plaintiff herein ("Plaintiff"). The following facts and
25 circumstances are personally known to me, and if called upon to do so, I could and would com-
26 petently testify as to them.
27
28

1 2. This declaration is made in support of Plaintiff David Coppedge's ("Coppedge") Op-
2 position to Defendant California Institute of Technology/Jet Propulsion Laboratory ("JPL") Mo-
3 tion in Limine #3 for an order excluding any contention that plaintiff's conduct was justified be-
4 cause of NASA's and/or JPL's programs and research regarding the origins of life.

5
6 3. Attached hereto and incorporated herein as Exhibit 1 is a true and correct copy of the
7 Written Warning issued to Plaintiff on 4/13/2009.

8 4. Attached hereto and incorporated herein as Exhibit 2 is a true and correct copy of ex-
9 cerpts from the deposition of Bob Mitchell taken on 8/5/2011.

10 5. Attached hereto and incorporated herein as Exhibit 3 is a true and correct copy of
11 pages from JPL's website that I found on December 7, 2011, explain its PlanetQuest program in
12 search of life beyond Earth.

13
14 6. Attached hereto and incorporated herein as Exhibit 4 is a true and correct copy of ex-
15 cerpts from the deposition of David Coppedge taken on 9/30/2010.

16 I declare under penalty of perjury, under the laws of the State of California, that the fore-
17 going is true and correct.

18 Executed this 13th day of December, 2011, at Los Angeles, California.

19
20 William J
21 Becker Jr, Esq

Digitally signed by William J
Becker Jr, Esq
DN: cn=William J Becker Jr, Esq,
o=THE BECKER LAW FIRM, ou,
email=wbeckerlaw@gmail.com,
c=US
Date: 2011.12.13 12:25:04 -08'00'

22 William J. Becker, Jr., Declarant
23
24
25
26
27
28

1 **TABLE OF CONTENTS**
2 **EXHIBITS ATTACHED TO THE DECLARATION OF WILLIAM J. BECKER, JR.**

3

Deposition Exh. No.	Description
4 1	Written Warning issued to Plaintiff on 4/13/2009.
5 2	Excepts of deposition of Bob Mitchell.
6 3	Pages from JPL's PlanetQuest web site.
7 4	Excepts of deposition of David Coppedge.

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DATE: April 13, 2009
TO: David Coppedge
FROM: Clark Burgess
SUBJECT: Written Warning

The Employee Relations Office has completed an investigation concerning allegations that you approached various co-workers during JPL business hours to discuss your religious and political beliefs. Your actions were reported as harassing in nature. As part of this investigation, you met with Jhertaune Huntley from Employee Relations and were given the opportunity to discuss the allegations and explain your perspective and answer questions.

I have received the results of this investigation and after careful review of all the issues and information obtained, I am in agreement with the following findings:

- You acknowledged that you approached various coworkers during work hours to inquire if they were interested in watching your DVDs which clearly express your personal views and you engaged various co-workers in conversations about your personal views. You failed to stop these activities when you were told they were unwelcome and disruptive.
- You violated the Unlawful Harassment policy which states:
 - Harassment is the creation of a hostile or intimidating environment in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work. Harassment in any form, based on sex, race, color, age, national origin, disability, religion, gender identity, sexual orientation, or any other characteristic protected by state or federal laws, is prohibited, as are all forms of sexual intimidation and exploitation.
- You created disruption in the workplace by approaching a co-worker during work hours to engage in a political debate about a recent controversial issue. When you discovered your co-worker did not share your political views, you became upset and argumentative. Your co-worker had to request that you leave his office in order to cease the conversation.
- You violated JPL's Ethics and Business Conduct Policy which states:
 - JPL employee behaviors shall be consistent with the JPL and NASA Values and the Caltech's JPL honor codes. Specifically, "I will treat my fellow employees fairly, with dignity and respect."

EX 1

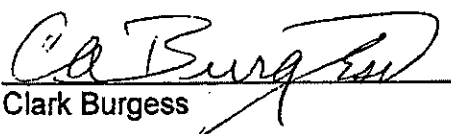
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Based on the results of the investigation, it has become apparent that your behavior in the workplace is perceived as unwelcome and unprofessional. This type of behavior is inconsistent with a professional business environment and will not be tolerated in the future.

Due to the seriousness of violating the Unlawful Harassment policy, you are being given a Written Warning. Should another incident of this nature occur, you will be subject to further disciplinary action up to and including termination.

Effective immediately, you must refrain from discussions which are argumentative, disruptive and/or harassing to your co-workers. Today we have talked about what type of conduct is unwelcome or offensive. If you have questions about such conduct, please talk with me immediately. For example, co-workers found your requests to watch your DVDs that express your personal views to be unwelcome.

It is important that you understand that JPL policy prohibits retaliation against any employee who may have participated in this investigation. JPL is committed to a harassment and retaliation free workplace, to investigating complaints promptly, and to taking appropriate corrective action. All participants in this investigation have a right to expect appropriate treatment as a result of bringing this complaint forward. Should you take any actions which JPL believes are retaliatory against any of these individuals, you will be subject to further disciplinary action up to and including termination.


Clark Burgess

4/13/09
Date

This warning has been discussed with me, and I have received a copy. I have read it and understand the consequences of future violations of policy.

David Coppedge

Date

Attachments: Ethics and Business Conduct Policy (DocID# 58572), Unlawful Harassment Policy (DocID# 72112)

0000000221



SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DAVID COPPEDGE, AN INDIVIDUAL,)
)
PLAINTIFF,)
)
VS.) CASE NO.
) BC 435600
JET PROPULSION LABORATORY, FORM)
UNKNOWN; CALIFORNIA INSTITUTE)
OF TECHNOLOGY, FORM UNKNOWN;)
GREGORY CHIN, AN INDIVIDUAL;)
CLARK A. BURGESS, AN INDIVIDUAL;)
KEVIN KLENK, AN INDIVIDUAL; AND)
DOES 1 THROUGH 25, INCLUSIVE,)
)
DEFENDANTS.)

DEPOSITION OF ROBERT MITCHELL,
TAKEN ON FRIDAY, AUGUST 5, 2011

REPORTED BY:
HEIDI SULLIVAN
CSR NO. 6600
FILE NO.: 11-157

1 A. I DOUBT IT.

2 Q. THERE'S A STATEMENT IN IT THAT SAYS THAT
3 "THE RESULTS FROM HUYGENS WILL GIVE A FRESH IMPETUS TO
4 THE THEORIES OF THE ORIGIN OF LIFE ON THE EARTH."

5 THAT STATEMENT IS A QUOTE MADE BY AN
6 INDIVIDUAL, LAST NAME RAULIN -- FRANCOIS RAULIN OF
7 PARIS WHO COORDINATES THE EXOBIOLOGICAL ASPECTS OF THE
8 MISSION.

9 ARE YOU FAMILIAR WITH HIM?

10 A. YES.

11 Q. THE STATEMENT HE MADE -- AND I'LL READ IT
12 TO YOU AGAIN -- "THE RESULTS FROM HUYGENS WILL GIVE A
13 FRESH IMPETUS TO THE THEORIES OF THE ORIGIN OF LIFE ON
14 THE EARTH."

15 IS THAT A STATEMENT YOU WOULD AGREE WITH?

16 A. YES.

17 Q. HAS THE MISSION PROVIDED ANY FRESH
18 INFORMATION ON THE THEORY OF THE ORIGIN OF LIFE ON
19 EARTH?

20 A. PROBABLY NOT DIRECTLY.

21 Q. ARE YOU AWARE OF ANY PUBLICATIONS THAT
22 STATE THAT IT HAS?

23 A. NO.

24 Q. ANOTHER PUBLICATION, WHICH I'LL IDENTIFY
25 FOR THE RECORD AS CALLED "PASSAGE TO A RINGED WORLD,

1 THE CASSINI-HUYGENS MISSION TO SATURN AND TITAN,"
2 WHICH APPEARS TO BE A NASA PUBLICATION, SP-533.

3 DO YOU SEE THE LOGO ON THE BACK?

4 A. YES.

5 Q. ARE YOU FAMILIAR WITH THAT PUBLICATION?

6 A. YES.

7 Q. DID YOU CONTRIBUTE ANYTHING TO THIS
8 PUBLICATION?

9 A. NO.

10 Q. ON PAGE 28 THERE'S A STATEMENT THAT "THE
11 CASSINI-HUYGENS STUDY OF TITAN WILL PROVIDE A HUGE
12 STEP FORWARD IN OUR UNDERSTANDING OF THIS HAZE-COVERED
13 WORLD AND IS EXPECTED TO YIELD FUNDAMENTAL INFORMATION
14 ON THE PROCESSES THAT LED TO THE ORIGIN OF LIFE ON
15 EARTH."

16 WOULD YOU ALSO AGREE WITH THAT STATEMENT?

17 A. YES. A QUALIFIED YES.

18 Q. AND WHAT IS YOUR QUALIFICATION?

19 A. WELL, WE HAVE -- WE HOPED TO LEARN AND WE
20 HAVE LEARNED -- WE WERE INSTRUMENTED TO LEARN MORE
21 ABOUT THE MOLECULAR INTERACTIONS OF THE VARIOUS
22 SPECIES THAT ARE FOUND THERE.

23 THESE ARE THE KIND OF INTERACTIONS THAT
24 LEAD TO A FORMATION OF THOLINS, A TERM INITIALLY
25 DEVELOPED BY CARL SAGAN, WHICH ARE BELIEVED TO

1 POSSIBLY BE PRECURSORS TO THE FORMATION OF LIFE ON
2 EARTH.

3 Q. ARE THERE ANY REPORTS GENERATED AS A
4 RESULT OF THE PROGRAM, EXPLAINING THE FINDINGS WITH
5 RESPECT TO THOLINS AND THEIR RELATIONSHIP TO THE
6 FORMATION OF LIFE ON EARTH?

7 A. PROBABLY. I'M NOT REALLY QUALIFIED TO
8 ANSWER THAT, BUT I COULD IDENTIFY SCIENTISTS WHO COULD
9 ANSWER THAT.

10 MR. ZAPP: JUST ANSWER THE QUESTIONS.

11 SO THE ANSWER IS ARE YOU AWARE OF ANY
12 SUCH REPORTS? EITHER YOU ARE, YOU AREN'T, OR YOU
13 DON'T KNOW.

14 THE WITNESS: NO.

15 BY MR. BECKER:

16 Q. WHAT SCIENTISTS COULD POSSIBLY ANSWER
17 THAT QUESTION?

18 A. JONATHAN LUNINE WOULD BE MY BEST
19 PROSPECT.

20 Q. NOW, APART FROM DETERMINING OR HOPING TO
21 DISCOVER EVIDENCE RELATING TO THE FORMATION OF LIFE ON
22 EARTH, IS THE CASSINI-HUYGENS MISSION ALSO AN EFFORT
23 TO DETERMINE THE SOLAR SYSTEM'S ORIGINS?

24 A. YES.

25 Q. I NOTICED IN THE L.A. TIMES ON THURSDAY

1 OF LAST WEEK, JULY 28TH, ABOVE THE FOLD, THERE'S A
2 STORY ON THE NEW JUNO MISSION, WHICH I BELIEVE TODAY
3 IS LAUNCH DATE.

4 A. YES.

5 Q. AND ITS SECONDARY HEADING SAYS "NASA'S
6 JUNO MISSION SEEKS TO UNLOCK CLUES TO THE SOLAR
7 SYSTEM'S ORIGINS."

8 IS THAT YOUR UNDERSTANDING OF JUNO?

9 A. YES.

10 Q. IS IT FAIR TO SAY THAT JPL IS IN THE
11 BUSINESS OF SEARCHING FOR CLUES TO THE SOLAR SYSTEM'S
12 ORIGINS IN MANY OF ITS MISSIONS?

13 MR. ZAPP: OBJECTION. VAGUE AND OVERBROAD.

14 BUT GO AHEAD.

15 THE WITNESS: YES.

16 BY MR. BECKER:

17 Q. AND THE ORIGIN OF LIFE ON EARTH?

18 MR. ZAPP: SAME OBJECTIONS.

19 THE WITNESS: YES.

20 (RECESS.)

21 BY MR. BECKER:

22 Q. YOU WERE AWARE THAT DAVID WAS ISSUED A
23 WRITTEN WARNING SOMETIME IN APRIL OF 2010?

24 A. I CAN'T CONFIRM THE DATE.

25 Q. 2009. I'M SORRY.





Jet Propulsion Laboratory
California Institute of Technology

JPL HOME EARTH SOLAR SYSTEM AND
SPRING THE JPL IMAGE TO YOU: JPL

PLANET QUEST

Exoplanet Exploration

HOME

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TECHNOLOGY

EXOPLANET MISSIONS

NEW WORLDS ATLAS

MULTIMEDIA

HISTORY TIMELINE

RESOURCES

PLANET HUNTERS

FOR PROFESSIONALS

SEARCH

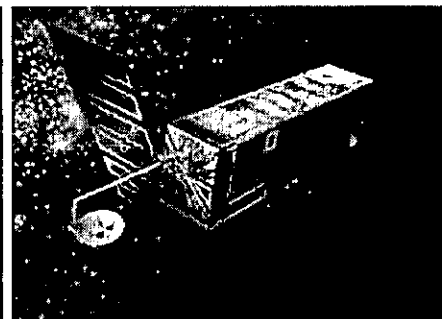
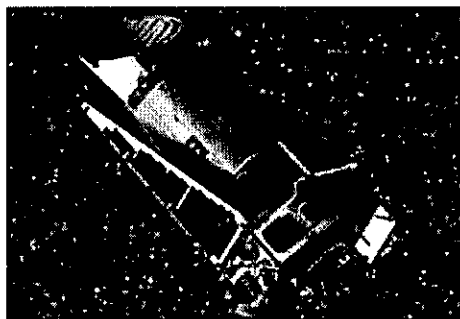
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Exoplanet: *n.* a planet that orbits a star outside the solar system.

OVERVIEW



NASA's future planet-finding missions include, from left, Kepler, SIM PlanetQuest and the Terrestrial Planet Finder.

Searching for Earthlike Worlds

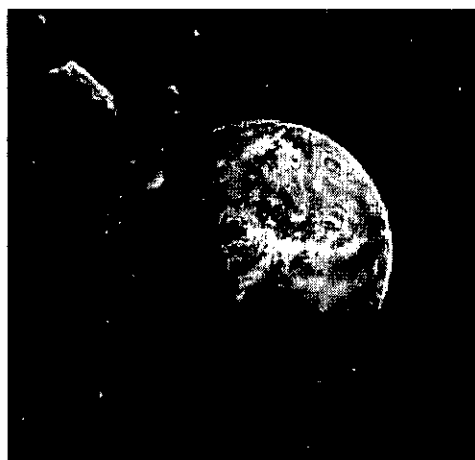
Are we alone?

For centuries, human beings have pondered this question. Medieval scholars speculated that other worlds must exist and that some would harbor other forms of life. In our time, advances in science and technology have brought us to the threshold of finding an answer to this timeless question.

The recent discovery of numerous planets around stars other than the sun confirms that our solar system is not unique. Indeed, these "exoplanets" appear to be common in our galactic neighborhood.

The exoplanets we have discovered so far are giants, like Jupiter and Saturn. But some of these planetary systems might also contain smaller, terrestrial planets.

Over the next 15 years, NASA is embarking on a bold series of missions to find the most sensitive instruments ever built, capable of reaching beyond the boundaries of our solar system.



Artist's concept of an Earthlike planet

The Keck Interferometer combines telescopes, extending our vision to as interferometry, the Keck will study Earthlike planets may be forming.

NASA's Kepler Mission, scheduled to launch in 2009, will scan the Milky Way galaxy to detect and study smaller planets. It will tell us whether there are other planets in our galaxy.

SIM PlanetQuest, to follow Kepler, will study stars with unprecedented accuracy to find planets in the habitable zones around them.

Finally, the Terrestrial Planet Finder will go before it. With an imaging optical space telescope, the Terrestrial Planet Finder will take the first photographs of nearby planetary systems.

We will analyze the atmospheres of these distant worlds, looking for carbon dioxide, oxygen, and water. The presence of all three gasses would suggest that life is present.

Such a discovery would at last provide convincing evidence that we are not alone.

We will have found another Earth.

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California Institute of Technology

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EXPLORE THE UNIVERSE TO YOU: JPL

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Exoplanet: *n.* a planet that orbits a star outside the solar system.

FINDING LIFE

Looking for Life's Signatures

If we discover that there are planets resembling Earth around stars somewhat the Sun, we will find ourselves at the threshold of an even bigger question: Do harbor life?

A goal of Terrestrial Planet Finder (TPF) is to search for signs of the large-scale effects that life would have on a planet's chemistry. By analyzing the colors of infrared radiation detected by TPF, astronomers can search for atmospheric gases such as carbon dioxide, water vapor, and ozone. Together with the temperature and radius of the detected planets, this information will allow astronomers to determine which planets are habitable, or even whether they may be inhabited by rudimentary forms of life.

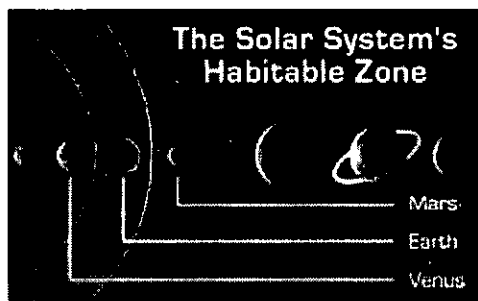
The best candidates for closer study would be located in the habitable zone; there where we can expect to find liquid water at the surface. If the planet is too hot, the water evaporates. If the planet is too cold, the water freezes. Either of these conditions is inhospitable for life. The habitable zone for our Sun starts beyond Venus and extends

Follow the Ozone

The existence of large amounts of oxygen would be a strong indicator of life. Oxygen, a byproduct of photosynthesis, is used by other organisms to produce energy. Furthermore, oxygen can combine with other elements to form a stable atmosphere, but combine with other elements to form a stable atmosphere. Therefore, a planet with a large amount of oxygen would imply a source to keep it replenished.

However, we know of non-biogenic sources of oxygen-rich atmospheres. The runaway greenhouse effect on Venus is an example. A frozen, Mars-like planet could also have a large amount of oxygen.

So, the presence of oxygen alone cannot be taken as an unambiguous indicator of life. Other spectral lines that can be produced by oxygen, such as ozone, could be taken as convincing evidence not only that a planet is habitable -- but



+ Larger image

Such large-scale clues can't tell us about the complexity of the discovered life; whether it is a simple microorganism or a complex civilization. It is also possible that planets without oxygen could sustain life. Perhaps another element, such as sulfur, playing the role of oxygen. In the search for life, we must make assumptions of what it means to be living.

Beyond Terrestrial Planet Finder

The findings of Terrestrial Planet Finder would guide a possible subsequent mission. Its predecessor, Life Finder, would consist of an array of telescopes flying in formation to produce high-resolution spectra of the atmospheres of distant planets.

Scientists would use this information to search more closely for markers of biological activity, such as seasonal variations in the levels of methane and other gases, changes in atmospheric chemistry and spectral variations in the dominant biomass.

Throughout our quest for life, we will have to keep in mind the history of Earth, so far the only confirmed prototype of a world where life has emerged. The simplest life forms existed here well before an abundance of oxygen appeared in the atmosphere, which in turn allowed multicelled organisms to flourish. NASA's astrobiology research will help expand our knowledge of "life signs" that would appear at different stages in a planet's history, as well as signs that would appear given a planetary chemistry that isn't exactly the same as our own. These insights will give us the best possible chance of recognizing life, if and when we find it somewhere else.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

DAVID COPPEDGE, an Individual,)	
)	
Plaintiff,)	
)	
vs.)	No. BC435600
)	
JET PROPULSION LABORATORY, form)	
unknown; CALIFORNIA INSTITUTE OF)	
TECHNOLOGY, form unknown; GREGORY)	
CHIN, an Individual; CLARK A.)	
BURGESS, an Individual; KEVIN)	
KLENK, an Individual; and DOES 1)	
through 25, inclusive,)	
)	
Defendants.)	

VIDEOTAPED DEPOSITION OF DAVID COPPEDGE
Los Angeles, California
Thursday, September 30, 2010
Volume I

Reported by:
Deborah R. Meyers,
CSR No. 8569

1 highly interesting subjects. All they have to do is
2 say, "No, thanks," and that was the end of it. But
3 if they were interested in it, why not talk about
4 it?

5 And Cab is a great example. We would --
6 you know, he would watch the film, and we'd chat a
7 little bit about it, and he'd say what he liked and
8 what he didn't like. What's the problem?

9 This is the marketplace of ideas. You
10 know, what better place than Jet Propulsion
11 Laboratory, which is talking about origins -- the
12 origin of the universe, the origin of life, the
13 origin of the earth, the origin of intelligence --
14 all the time in their press releases?

15 So I'm talking about the very same subject
16 but maybe a little different viewpoint. Now, is
17 this viewpoint discrimination, where I get treated
18 differently than people who want to share their
19 views by blasting a Darwin fish on their door?

20 Q BY MR. ZAPP: Did you ever give DVDs or
21 have discussions about religions other than
22 Christianity? Let me -- that's a compound question.
23 Let me rephrase it.

24 Did you ever give out DVDs about any
25 religions other than Christianity?

1 as a systems administrator at JPL? Is that your
2 testimony?

3 A If J --

4 Q Yes or no?

5 A If JPL can talk about it --

6 Q Yes or no?

7 A Yes. And in fact, I was a Cassini outreach
8 speaker, and I listened to other Cassini speakers
9 who did not hesitate to give their views about
10 intelligent design, origins, life. And so as a
11 Cassini outreach speaker, if they can do it, why
12 can't I?

13 Q As a systems administrator, are you a
14 scientist?

15 A I have years of scientific training.

16 Q No, as a --

17 A I don't work --

18 Q As a systems administrator, are you a JPL
19 scientist?

20 A It depends on how you want to carve the
21 turkey there because I'm a computer scientist.
22 "Scientist" is a very broad term that encompasses a
23 lot. I am not hired as a quote/unquote JPL
24 scientist.

25 Q And you don't perform work at JPL as a