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2 **THE BECKER LAW FIRM**
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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;

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

DECLARATION OF WILLIAM J.
BECKER, JR. RE: PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION IN LIMINE #4; EXHIBITS

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

Trial Date: October 19, 2011

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 #4 for an order excluding testimony, evidence, comment, or argument regarding
4 counsel's privileged consultation with Caltech (JPL).

5 3. Attached hereto and incorporated herein as Exhibit 1 is a true and correct copy of the
6 demand letter I sent to JPL placing JPL on notice of a potential lawsuit on September 13, 2009.

7 4. Attached hereto and incorporated herein as Exhibit 2 are true and correct copies of e-
8 mails I sent to Jim Zapp, JPL's attorney, in late 2009, concerning issues in this case and request-
9 ing a response to my demand letter. Prior to these e-mails, Mr. Zapp and I had discussed the
10 case by telephone.

11 5. Attached hereto and incorporated herein as Exhibit 3 is a true and correct copy of an
12 e-mail I sent to Mr. Zapp on April 14, 2010, attaching a copy of the complaint filed that day and
13 asking whether he would sign and return a Notice of Acknowledgment and Receipt in lieu of
14 having to personally serve each Defendant.

15 6. Attached hereto and incorporated herein as Exhibit 4 is a true and correct copy of ex-
16 cerpts from the deposition of Dianne Conner taken on August 4, 2011.

17 7. Attached hereto and incorporated herein as Exhibit 5 is a true and correct copy of ex-
18 cerpts from the deposition of Richard Van Why taken on July 22, 2011.

19 8. Attached hereto and incorporated herein as Exhibit 6 is a true and correct copy of ex-
20 cerpts from the deposition of Clark A. Burgess taken on April 15, 2011.

21 9. Attached hereto and incorporated herein as Exhibit 7 is a true and correct copy of ex-
22 cerpts from the deposition of Bob Mitchell taken on August 5, 2011.

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

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

4 William J
5 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=bbeckerlaw@gmail.com,
c=US
Date: 2011.12.13 13:21:51 -08'00'

6
7 William J. Becker, Jr., Declarant

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

Deposition Exh. No.	Description
1	Demand letter to JPL from W.Becker, 9/13/2009.
2	Copies of e-mails I sent to Jim Zapp, JPL's attorney, in late 2009, concerning issues in this case and requesting a response to demand letter.
3	E-mail from W.Becker to J.Zapp 4/14/2010, attaching a copy of the complaint filed that day and requesting return of signed Notice of Acknowledgment and Receipt.
4	Excerpts from the deposition of Dianne Conner taken on 4/4/2011.
5	Excerpts from the deposition of Richard Van Why taken on 7/22/2011.
6	Excerpts from the deposition of Clark A. Burgess taken on 4/15/2011.
7	Excerpts from the deposition of Bob Mitchell taken on 8/5/2011.

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THE
BECKER
LAW FIRM

11500 Olympic Blvd., Suite 400, Los Angeles, CA 90064
Tel: (310) 636-1018 Fax: (310) 765-6328
Email: bbeckerlaw@gmail.com
Licensed in California and Colorado

September 18, 2009

VIA CERTIFIED U.S. MAIL

Ms. Karen Saidiner
Human Relations Manager
JET PROPULSION LABORATORY
4800 Oak Grove Drive
Mail Stop T1720-D
Pasadena, California 91109

Re: David F. Coppedge

Dear Ms. Saidiner:

This firm represents Mr. David F. Coppedge ("David"), an employee of the Jet Propulsion Laboratory ("Company"). By way of introduction, The Becker Law Firm represents clients in high-profile free speech and religious liberty cases. The facts described herein are based on our present understanding.

Recently, David was disciplined and demoted for "pushing religion" on co-workers and promoting his "political" and "personal" views in a manner described as "unwelcome and disruptive."¹ These baseless and erroneous charges have resulted in the unlawful imposition of restrictions on David's constitutional freedoms and violations of his statutory employment rights. Unless David's title, position and privileges are restored to him, or other suitable remedial steps are taken to reverse the discriminatory and unconstitutional actions taken against him and to restore him to a comparable position of status and stature, we will initiate legal action on his behalf. As a predicate to such action, please be advised that David has filed the enclosed complaints with the California Department of Fair

¹ See, e.g., Alvarado v. Texas Rangers, 492 F.3d 605 (5th Cir. 2007) for the proposition that a transfer may be actionable in a discrimination action where it has the effect of a demotion or denial of promotion.

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Human Relations Manager
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Employment and Housing ("DFEH") under the California Fair Employment and Housing Act ("FEHA") alleging discrimination on the basis of religion, harassment and retaliation and has been issued automatic right-to-sue letters.

Until his recent demotion from the position of Team Lead System Administrator, David had enjoyed 12 unblemished years of steady service as a member of NASA's mission to Saturn, the Cassini Program, commencing prior to its launch. His demotion and the reprimand placed in his employee record constitute adverse employment action and represent a materially adverse change in the terms of his employment, which has impaired his prospects for advancement or employment with the Company in any other program. In addition to manifesting discrimination on the basis of religion, the demotion and restrictions offend public policy and contravene the statutory proscription against prohibiting David from engaging in the constitutionally protected activity of free speech. Moreover, the investigation and actions taken against him by one or more supervisors constitute unlawful retaliation for engaging in a constitutionally protected activity.

Although the Company wishes to describe the substance of David's communications with others as "personal" expressions, the facts disclose that David was disciplined and demoted for expressing views on matters of public concern and of relevance to the Company's scientific interest in life's origin. The actions taken by the Company against David targeted him on the basis of his message's content and the viewpoints he expressed to others, incorporating an institutional orthodoxy that favors and prefers certain speech while disfavoring other speech, and which presently operates as a prior restraint on his speech.

Evidently, the Company condones the expression of religious, political and personal views around the workplace, particularly views that some, David included, would regard as offensive, objectionable and hostile to Christianity, Intelligent Design ("ID") theory, traditional marriage, political conservatism and the Republican Party. By way of example, please refer to the attached photographs of political cartoons and emblems that modify a Christian symbol on display around the JPL campus.² Correspondingly, as its treatment of David attests, the Company does not condone viewpoints that support Christianity, ID theory, traditional marriage, political conservatism or the Republican Party.

On March 2, 2009, David's office manager, Mr. Greg Chin ("Chin") attacked David for "pushing his religious views" on co-workers by discussing life origin theories and by handing out DVDs examining ID theory. During this unfortunate outburst, and to David's astonishment, Chin ordered him to cease discussing religion or politics in the

² We wish to emphasize that it is not David's purpose in seeking redress to limit or restrict the rights of others to express their views even if he disagrees with them.

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workplace under threat of termination. To David's further astonishment, he – not Chin – was investigated and disciplined for "harassment."

The internal probe conducted by Ms. Jhertaune Huntley, an Employee Resources investigator, purportedly originated with complaints by unidentified co-workers that David's invitations to consider material about ID theory were unwelcome. If true, these nameless co-workers were not willing to discuss ID or view the DVDs as they had expressly represented to David or otherwise led him to believe.

To our knowledge, the Company has never reviewed the DVDs in connection with its "investigation," and cannot conclude one way or another whether their subject matter is inherently related to the work of the Company or whether they contain material that could reasonably be identified as offensive to an individual's protected class status. The "investigation" thus appears to have been incomplete, superficial and unconcerned with the facts. In this and other respects it resembles a kangaroo court in which David was denied his right to confront his accusers and the evidence against him.

On April 13, 2009, following the "investigation," David was issued a "Written Warning" ("Warning") stating in vague and general terms that comments he allegedly made to co-workers regarding his "religious and political beliefs" were "reported as harassing in nature" and violated the Company's Unlawful Harassment Policy ("Harassment Policy").³ The Warning additionally stated that David had caused a "disruption in the workplace" by engaging in argument with an unidentified employee, thereby violating the Company's "Ethics and Business Conduct Policy" ("Ethics Policy"). It alleged that David had approached various workers during work hours to inquire if they were interested in watching the DVDs "which clearly express your personal views," that David had engaged various co-workers in conversations about his "personal views," and that he had failed to stop these activities when he was told they were "unwelcome and disruptive."

David categorically denies that he approached anyone in a manner reasonably understood to be unwelcome, harassing in nature or disruptive to the workplace environment. The claim that he violated policy or significantly interfered with work is artificial and simply not credible. This is so, in part, because the subject matter of David's conversations with co-workers is consistent with the Company's interest in exploring the origin of life and an

³ It is a matter of great concern to us that the issuance of the Warning coincided with David's demotion, thus depriving him of his right to take corrective action and to avoid punishment or to contest it. Under the explicit terms of the Harassment Policy, the Company was obligated to notify David of the nature of the complaint against him, the evidence supporting it, the fact that an investigation would be conducted, the relevant procedures, and the suitability of the investigator. David was deprived of this notice and, incredibly, did not learn until the day he was disciplined and demoted, after an investigation had been conducted, that he had been accused and found guilty of harassment.

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inherent part of the business it famously conducts. As the Company's fact sheet explains in describing its aptly named "Origins Program":

Origins seeks to answer the fundamental questions: Where did we come from?...

Discussion of relevant scientific theories on JPL's campus cannot objectively be viewed as harassing in nature or the type of subject matter that would create a hostile work environment. If speech does not create a hostile work environment and is an inherent part of an employer's business, it is entitled to First Amendment protection. See, e.g., Lyle v. Warner Bros. Television Productions, 38 Cal.4th 264, 233, See also, Volokh, Freedom of Speech and Workplace Harassment (1992) 39 U.C.L.A. L.Rev. 1791 at 1853. In such a light, the right of other employees to be left alone must yield to David's right to express himself in a respectful manner.

Nor was David's conduct while engaged in the expression of his constitutionally protected views disruptive to JPL work. "The mere speculative claim of potential for disruption of the workplace is an insufficient basis by itself for a limitation of otherwise protected speech." U.S. v. National Treasury Employees Union, 513 U.S. 454, 476, fn. 21 (1995); Lister v. Defense Logistics Agency, 482 F.Supp.2d 1003, 1012 (S.D., Ohio, 2007). If his co-workers were unwilling to discuss ID or other subjects with David, they needed only to say so. There is no evidence that David discussed ID or any subject with controversial overtones or handed out DVDs while others were engaged in work activity. In fact, discussions generally occurred after work hours. And there is no evidence that David presented his views in any manner other than respectfully and professionally.

The Company's characterization of David's speech activities as "harassment" is simply indefensible, in large measure because its forced interpretation of what constitutes harassment disregards an individual's statutory protected class membership. Consistent with California law, the Company's own Harassment Policy does not proscribe conduct merely on the basis that it may be unwelcome to others. It must either be sexual or discriminatory based on the accuser's sex, race, color, age, national origin, disability, religion, gender identity, sexual orientation, or other characteristics protected by state or federal laws. David never singled out anyone, particularly with any severity or persistence, based on these or other characteristics protected by state or federal laws.

As alarming as the Company's misunderstanding of the harassment laws appears to be, we are equally disturbed by the total absence of protections it affords one who is falsely accused, and note that David's attempts to defend himself were handicapped by his inability to examine evidence withheld from him. In David's case, no evidence was produced to him supporting the Company's claim that he offended co-workers on the basis of their class membership, disrupted work in any significant or meaningful way or per-

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sisted in his actions against resisting forces. Yet the official charges made against David were specifically derived from an accusation that he was engaged in religious speech activity, thereby implicating his protected class membership. Thus, by disregarding its own Harassment Policy procedures, the Company appears to have been motivated by an animus toward what it perceived to have been his theistic viewpoint. Had the Company observed its own procedures in conducting its dubious "investigation," this matter would likely have resolved without formalizing any disciplinary action.

The Company's indifference to its own procedures compellingly suggests that it was motivated to discipline him without assuring itself that it would be legally justified in its actions. To cite another and more basic example of its indifference, the Harassment Policy provides that an investigator "will summarize for the respondent the evidence in support of the complaint to allow the respondent the opportunity to reply." In David's case, none of the evidence was ever summarized, but was instead purposefully withheld from him under the convenient pretext that it is confidentially privileged for the protection of his accusers. Blinded by this evasion, David was denied an opportunity to adequately respond to the charges against him. Quite clearly, the Company's failure to afford David even a modicum of fairness and due process manifests a gross violation of his statutory and constitutional rights.

We are familiar with the vilification of ID by those who are misinformed about it and understand that Chin was explicitly referring to ID when he made his unfounded accusation that David was "pushing religion."⁴ Although ID is not a deduction from religious authority, or based on religious texts or documents, it has implications that support theistic belief and, in particular, David's religious beliefs and values. If David's discussions about ID form the basis of the claim that he was "pushing religion" on others, then the Company specifically discriminated against him on the basis of religion.

Government Code § 12940 makes it an unlawful employment practice for an employer to discriminate against an employee "in terms, conditions, or privileges of employment" on the basis of the employee's religion. The California Constitution, Art. 1, §2 (a) provides that "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right." Art 1, §4 provides that "Free exercise and enjoyment of religion without discrimination or preference are guaranteed." California Code of Civil Procedure § 52.1, subd. (b) provides:

⁴ The Company appears to have adopted Chin's position that, by advocating ID, David was conveying an unwelcome religious message. As one court has noted, "Government officials ... are in a poor position to determine whether certain viewpoints, not expressly couched in religious terms but espoused by one or more organized faiths, are religious." Lister v. Defense Logistics Agency, *supra*, 482 F.Supp.2d at 1007, fn. 5. We believe that JPL supervisors are in no position to make such assumptions or draw such conclusions.

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Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of this state, has been interfered with, or attempted to be interfered with ... may institute and prosecute in his or her own name and on his or her own behalf a civil action for damages, including, but not limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured.

In addition to discriminating against David on the basis of religion, discriminating against him on the basis of his state constitutional right of free speech in violation of public policy, and depriving him of due process protections, the Company's actions took direct and specific aim at his federally protected constitutional right of free speech. The First Amendment to the United States Constitution guarantees the right of free speech and religion in the public sector. Indeed, the U.S. Supreme Court has recognized the signal importance of protecting citizens from government intrusion into political speech: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein."

In this regard, the high court has "made clear that public employees do not surrender all their First Amendment rights by reason of their employment. Rather, the First Amendment protects a public employee's right in certain circumstances to speak as a citizen addressing matters of public concern." Garcetti v. Ceballos, 547 U.S. 410, 417 (2006). Further, the Ninth Circuit has recognized that it is unreasonable to allow employees to express themselves around the office on a variety of subjects, yet forbid the transmission of religious information and materials. See, Tucker v. State of California Department of Education, 97 F.3d 1204, 1215 (9th Cir., 1996).

It is axiomatic that the First Amendment protects speech, especially when the speech is offensive to some. Forsyth County v. Nationalist Movement, 505 U.S. 123, 134-35 (1992); Cohen v. California, 403 U.S. 15, 21 (1971). It is just as axiomatic that viewpoint-based suppression of speech is impermissible. Giebel v. Sylvester, 244 F.3d 1192, 118 (9th Cir. 2001); Rosenberger v. Rector and Visitors of University of Virginia, 515 U.S. 819, 828 (1995).

As a federally funded quasi-public agency,⁵ which is solely or largely dependent upon federal government contracted projects supporting NASA, a government agency, JPL is

⁵ See, e.g., Lebron v. National Railroad Passenger Corporation, 513 U.S. 374 (1994). "JPL is owned by the United States under the sponsorship of the National Aeronautics Space Administration ("NASA")." Vallier v. Jet Propulsion Laboratory, 120 F.Supp.2d 887, 890, fn.2 (2000). JPL's state actor status was not chal-

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subject to liability under 42 U.S.C. § 1983, which prohibits the deprivation of any rights guaranteed under the Constitution.

The possibility that David might offend others by his non-harassing speech is irrelevant and cannot be used as a basis for restricting that speech. This is particularly so at JPL, where cartoons posted on office walls and doors have been found to ridicule religion, mock ID theory, promote evolutionary theory and promote other political and social causes, such as ridiculing Proposition 8 and Republicans.

The U.S. Supreme Court has observed that "it is a central tenet of the First Amendment that the government must remain neutral in the marketplace of ideas." Young v. American Mini Theaters, Inc., 427 U.S. 50, 70 (1976). It has additionally found that "content discrimination raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace." R.A.V. v. City of St. Paul, Minn., 505 U.S. 377, 387 (1992). That is precisely what the Company sought to do by enforcing a "heckler's veto" policy of prior restraint to spare the sensitivities of other employees who might find their worldviews challenged.

David's right to share his views concerning ID and other subjects in a manner that was not demonstrably unwelcome by others, was not persistent, did not disrupt the workplace, and did not implicate any individual's membership within a statutorily protected class was denied to him even though other employees are permitted to express their sometimes outrageous and controversial views without inviting adverse employment consequences. This deplorable double-standard is beneath the dignity of an institution dependent upon public funding for its existence.

As he has already shown through patient yet futile efforts to resolve this matter quietly, informally and internally, David has not sought to draw public attention to it. In reaching out for legal assistance and publicly confronting the Company's ideological culture, David fully expects to navigate through headwinds. He nonetheless believes it necessary to vindicate his employment rights and especially feels a moral duty to hold the Company accountable for abridging his constitutional rights.

On his behalf and in order to foreclose litigation, we demand that the Company restore him to his Team Lead position or offer other suitable remedies that will remediate the harm caused to him. We additionally demand that evidence of a Written Warning and all record of disciplinary action associated with the accusations made against him be permanently expunged from his personnel file and destroyed. Finally, we demand that his right

lenged in Moore v. California Institute of Technology Jet Propulsion Laboratory, 275 F.3d 838, (C.A.9, Cal., 2002).

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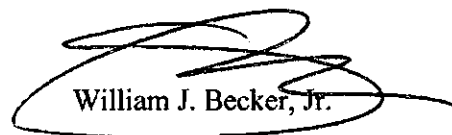
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to engage in protected speech be safeguarded and that no action be taken to deprive him of those rights in the future.

We believe it is unwarranted and unwise for the Company to allow itself to be distracted from its focus on important scientific initiatives and to expose itself to potential public disrepute over its unequal treatment of David. The Company has the opportunity and the responsibility to reverse this injustice and to work with us toward that aim.

Very truly yours,

THE BECKER LAW FIRM

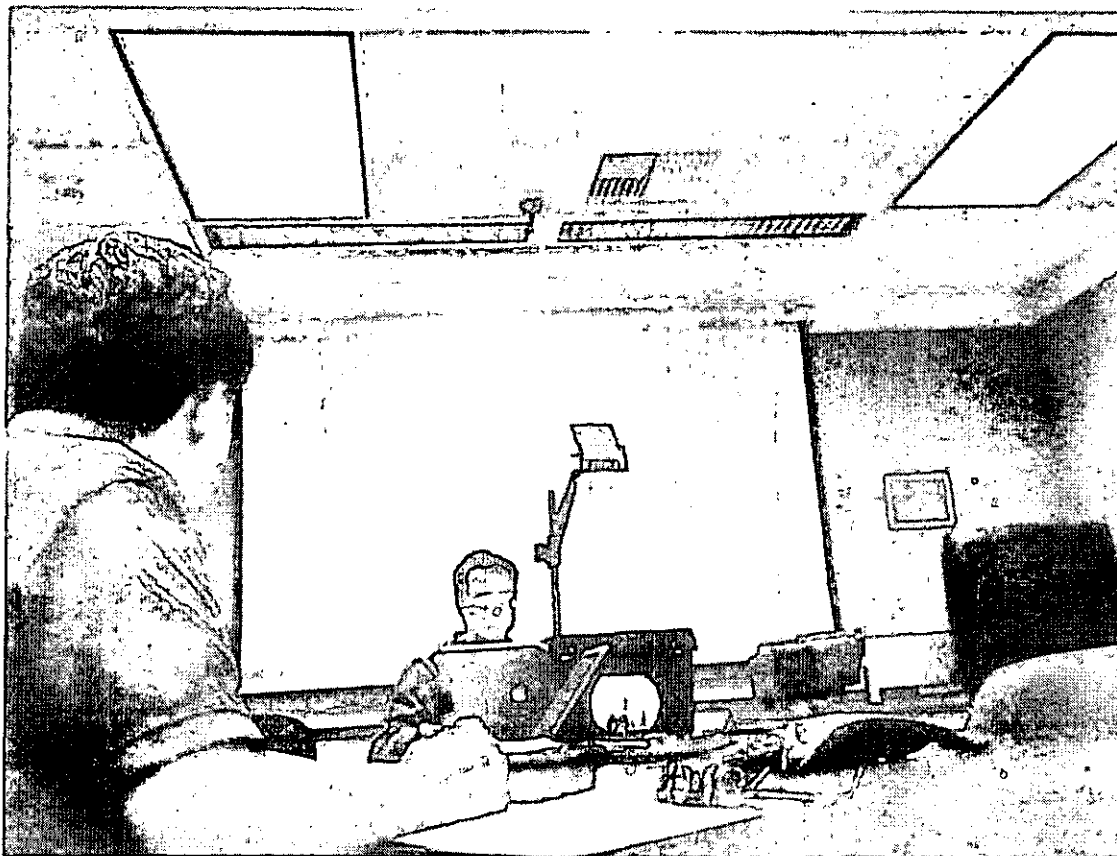


William J. Becker, Jr.

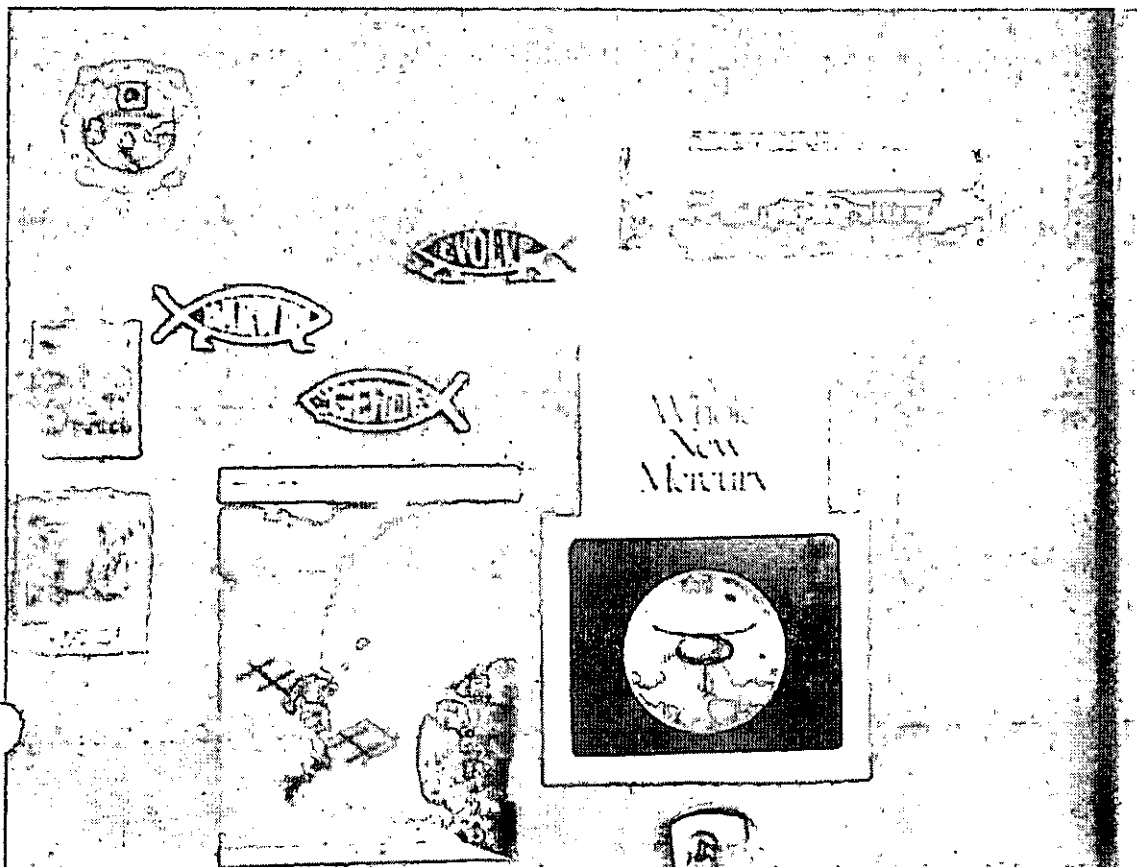
cc: Mr. David Coppedge
Encl.

WJB/gb

Cassini office manager Greg Chin showing political cartoons at staff meeting, May 15, 2009



Three Darwin fish (mocking Christianity) on door of a prominent JPL scientist, May 21, 2009

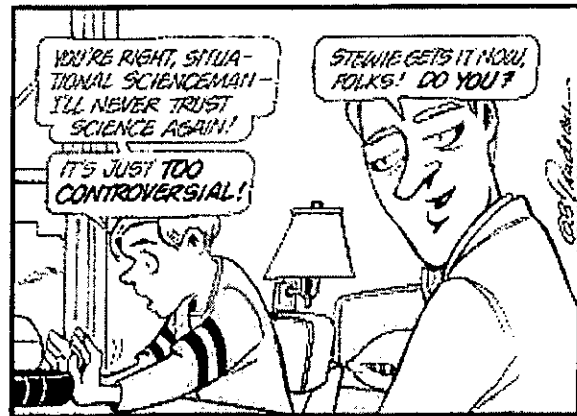
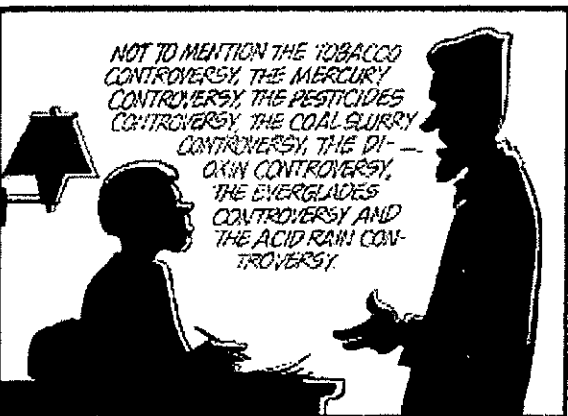
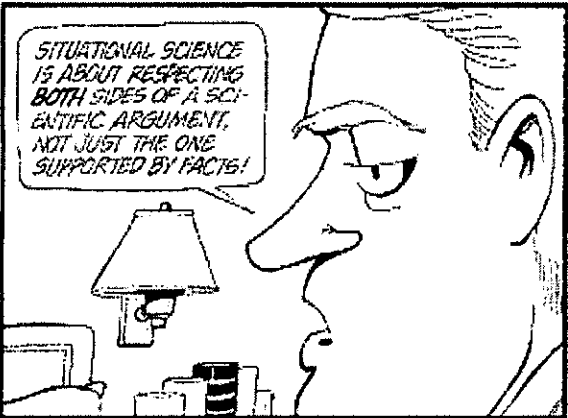
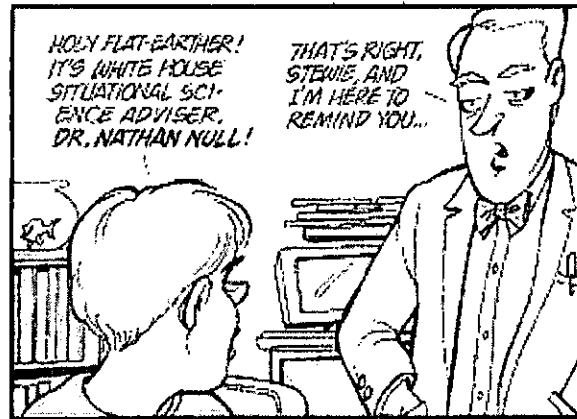
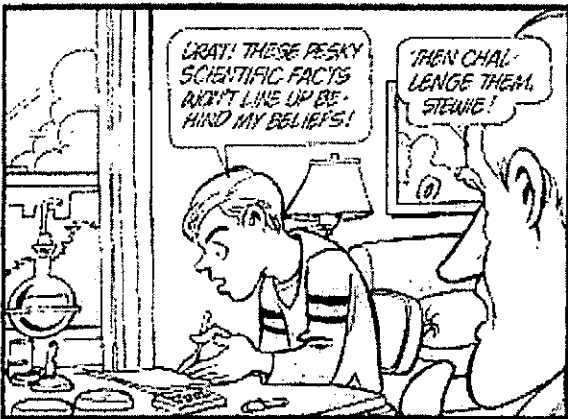
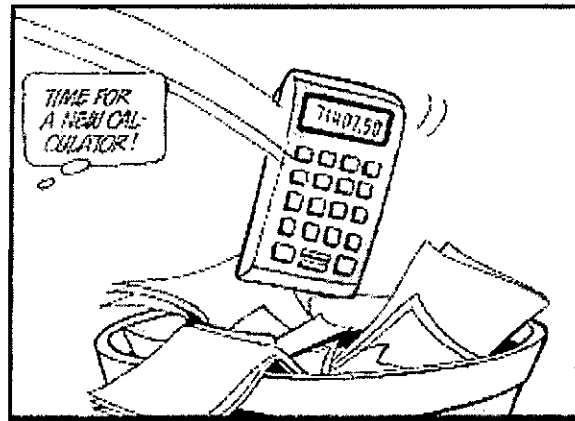


Cartoons on door of Cassini Program Scientist May 21, 2009
Mocking Intelligent Design and Texas Science Standards



Cartoon on door of a JPL scientist, mocking supporters of Calif. Prop 8 5/21/2009







<http://www.salon.com/comics/tomo/2007/02/26/tomo/print.html>



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This Modern World

Why should we believe the earth is round, just because scientists say so?

By Tom Tomorrow

Feb. 26, 2007 |

THIS MODERN WORLD

By TOM TOMORROW



- By Tom Tomorrow



*** EMPLOYMENT ***

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

E200910R5251-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

COPPEDGE, DAVID

(661)298-3685

ADDRESS

19635 GREEN MOUNTAIN DR

CITY/STATE/ZIP

NEWHALL, CA 91321-2147

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (include Area Code)

JET PROPULSION LABORATORY

(818)354-4321

ADDRESS

4800 OAK GROVE DR

DFEH USE ONLY

CITY/STATE/ZIP

PASADENA, CA 91109

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

RESPONDENT CODE

08/25/2009

00

THE PARTICULARS ARE:

I allege that on about or before
08/25/2009, the following
conduct occurred:

☐ termination

☐ denial of employment

☐ denial of family or medical leave

☐ laid off

☐ denial of promotion

☐ denial of pregnancy leave

☒ demotion

☐ denial of transfer

☐ denial of equal pay

☒ harassment

☒ denial of accommodation

☐ denial of right to wear pants

☐ genetic characteristics testing

☐ failure to prevent discrimination or retaliation

☐ denial of pregnancy accommodation

☐ constructive discharge (forced to quit)

☒ retaliation

☐ impermissible non-job-related inquiry

☒ other (specify) Failure to engage in an interactive process

by **JET PROPULSION LABORATORY**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of:

☐ sex

☐ national origin/ancestry

☐ disability (physical or mental)

☐ retaliation for engaging in protected

☐ age

☐ marital status

☐ medical condition (cancer or

activity or requesting a protected

☒ religion

☐ sexual orientation

generic characteristic

leave or accommodation

☐ race/color

☐ association

☐ other (specify)

State of what you
believe to be the
reason(s) for
discrimination

AN HR INVESTIGATION INVOLVING FREEDOM OF RELIGIOUS EXPRESSION IN THE WORKPLACE RESULTED IN A DEMOTION AND WRITTEN WARNING IN MY EMPLOYEE RECORD.

I HAVE WORKED AT JPL FOR 13 YEARS. THROUGHOUT THESE YEARS I HAVE ENJOYED A STRONG WORKING RELATIONSHIP WITH MY COLLEAGUES, WITHOUT ANY EMPLOYEE ISSUES. ON MARCH 2, 2009, MY OFFICE MANAGER SURPRISED ME BY ANGRILY ACCUSING ME OF PUSHING MY RELIGIOUS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **09/17/2009**

At **Newhall, California**

DATE FILED: **09/17/2009**

DFEH-300-03a (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E200910R5251-00

DFEH USE ONLY

State of what you
believe to be the
reason(s) for
discrimination

AN HR INVESTIGATION INVOLVING FREEDOM OF RELIGIOUS EXPRESSION IN THE WORKPLACE
RESULTED IN A DEMOTION AND WRITTEN WARNING IN MY EMPLOYEE RECORD.

I HAVE WORKED AT JPL FOR 13 YEARS. THROUGHOUT THESE YEARS I HAVE ENJOYED A STRONG
WORKING RELATIONSHIP WITH MY COLLEAGUES, WITHOUT ANY EMPLOYEE ISSUES. ON MARCH 2, 2009,
MY OFFICE MANAGER SURPRISED ME BY ANGRILY ACCUSING ME OF PUSHING MY RELIGIOUS VIEWS IN
THE OFFICE. WHEN I ASKED WHAT SPECIFICALLY THAT INVOLVED, HE SAID I WAS HANDING OUT DVDS
ON "INTELLIGENT DESIGN." (THESE DISCUSS SCIENTIFIC EVIDENCES AND ARE STRICTLY NON-
SECTARIAN.) THE NEXT DAY, I WAS THE SUBJECT OF AN INVESTIGATION BY THE HR OFFICE. I WAS
INTERVIEWED ON MARCH 5 BY AN HR INVESTIGATOR, BUT I WAS NOT TOLD SPECIFICALLY WHAT THE
INVESTIGATION WAS ABOUT, OR WHETHER I WAS BEING ACCUSED OF SOMETHING, OR WHETHER
OTHER PEOPLE WERE INVOLVED.

THROUGHOUT MARCH AND EARLY APRIL, I REPEATEDLY ASKED FOR INFORMATION, BUT WAS TOLD
NOTHING EXCEPT THAT THE HR PERSON WOULD REPORT THE FINDINGS WHEN THE INVESTIGATION
WAS COMPLETE. THEN ON APRIL 13, I WAS CALLED TO APPEAR BEFORE MY GROUP SUPERVISOR AND
SECTION MANAGER. I WAS HANDED A WRITTEN WARNING, AND THEN DEMOTED FROM THE TEAM LEAD
POSITION I HAD HELD FOR EIGHT YEARS.

THE ALLEGATIONS IN THE WARNING, HOWEVER, WERE VAGUE AND SUBJECTIVE, AND NOT SUPPORTED
BY EVIDENCE. THE MANAGER AND GROUP SUPERVISOR DID NOT IDENTIFY THE ACCUSERS, NOR WERE
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FACTS WRONG NO PROCESS EXISTED FOR AN IMPARTIAL REVIEW OF THE EVIDENCE. A MONTH LATER
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ATTEMPT TO EXHAUST INTERNAL REMEDIES, THEREFORE, I FOUND THE "APPEAL" WAS A SHAM. IT LEFT
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***** EMPLOYMENT *****

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E200910R5251-01**

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

COPPEDGE, DAVID

(661)298-3685

ADDRESS

19635 GREEN MOUNTAIN DR

CITY/STATE/ZIP

COUNTY

COUNTY CODE

NEWHALL, CA, 91321-2147

LOS ANGELES

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (Include Area Code)

CHIN, GREG

(818)393-5856

ADDRESS

4800 OAK GROVE DR, M/S 230-301

DFEH USE ONLY

CITY/STATE/ZIP

COUNTY

COUNTY CODE

PASADENA, CA 91109

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

RESPONDENT CODE

08/25/2009

01

THE PARTICULARS ARE:

**I allege that on about or before
08/25/2009, the following
conduct occurred:**

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input checked="" type="checkbox"/> harassment	<input checked="" type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Failure to engage in an interactive process</u>	

by **CHIN, GREG**

OFFICE MANAGER

because of:

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

<input type="checkbox"/> sex	<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> disability (physical or mental)	<input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input type="checkbox"/> medical condition (cancer or generic characteristic)	
<input checked="" type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	<input type="checkbox"/> other (specify)	
<input type="checkbox"/> race/color	<input type="checkbox"/> association		

**State of what you
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discrimination**

AN HR INVESTIGATION INVOLVING FREEDOM OF RELIGIOUS EXPRESSION IN THE WORKPLACE RESULTED IN A DEMOTION AND WRITTEN WARNING IN MY EMPLOYEE RECORD.

I HAVE WORKED AT JPL FOR 13 YEARS. THROUGHOUT THESE YEARS I HAVE ENJOYED A STRONG WORKING RELATIONSHIP WITH MY COLLEAGUES, WITHOUT ANY EMPLOYEE ISSUES. ON MARCH 2, 2009, MY OFFICE MANAGER SURPRISED ME BY ANGRILY ACCUSING ME OF PUSHING MY RELIGIOUS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **09/17/2009**

At **Newhall, California**

DATE FILED: **09/17/2009**

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E200910R5251-01

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*** EMPLOYMENT ***

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E200910R5251-02**
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.) COPPEDGE, DAVID		TELEPHONE NUMBER (INCLUDE AREA CODE) (661)298-3685	
ADDRESS 19635 GREEN MOUNTAIN DR			
CITY/STATE/ZIP NEWHALL, CA, 91321-2147		COUNTY LOS ANGELES	COUNTY CODE 037
NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:			
NAME KLENK, KEVIN		TELEPHONE NUMBER (Include Area Code) (818)393-5404	
ADDRESS 4800 OAK GROVE DR, M/S 602-149		DFEH USE ONLY	
CITY/STATE/ZIP PASADENA, CA 91109		COUNTY	COUNTY CODE
NO. OF EMPLOYEES/MEMBERS (if known)	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 08/25/2009	RESPONDENT CODE 02	

THE PARTICULARS ARE:

**I allege that on about or before
08/25/2009, the following
conduct occurred:**

- | | | |
|--|--|--|
| <input type="checkbox"/> termination | <input type="checkbox"/> denial of employment | <input type="checkbox"/> denial of family or medical leave |
| <input type="checkbox"/> laid off | <input type="checkbox"/> denial of promotion | <input type="checkbox"/> denial of pregnancy leave |
| <input checked="" type="checkbox"/> demotion | <input type="checkbox"/> denial of transfer | <input type="checkbox"/> denial of equal pay |
| <input checked="" type="checkbox"/> harassment | <input checked="" type="checkbox"/> denial of accommodation | <input type="checkbox"/> denial of right to wear pants |
| <input type="checkbox"/> genetic characteristics testing | <input type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of pregnancy accommodation |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input checked="" type="checkbox"/> retaliation | |
| <input type="checkbox"/> impermissible non-job-related inquiry | <input checked="" type="checkbox"/> other (specify) <u>Failure to engage in an interactive process</u> | |

by **KLENK, KEVIN**

SECTION MANAGER

Name of Person	Job Title (supervisor/manager/personnel director/etc.)
because of :	
<input type="checkbox"/> sex	<input type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> medical condition (cancer or generic characteristic)
<input checked="" type="checkbox"/> religion	<input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> race/color	<input type="checkbox"/> other (specify) _____
<input type="checkbox"/> national origin/ancestry	
<input type="checkbox"/> marital status	
<input type="checkbox"/> sexual orientation	
<input type="checkbox"/> association	

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Dated **09/17/2009**

At **Newhall, California**

DATE FILED: **09/17/2009**

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E200910R5251-02

DFEH USE ONLY

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*** EMPLOYMENT ***

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

E200910R5251-03

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

COPPEDGE, DAVID

(661)298-3685

ADDRESS

19635 GREEN MOUNTAIN DR

CITY/STATE/ZIP

COUNTY

COUNTY CODE

NEWHALL, CA, 91321-2147

LOS ANGELES

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (Include Area Code)

BURGESS, CLARK

(818)393-0650

ADDRESS

4800 OAK GROVE DR, M/S 230-305

DFEH USE ONLY

CITY/STATE/ZIP

COUNTY

COUNTY CODE

PASADENA, CA 91109

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

RESPONDENT CODE

08/25/2009

03

THE PARTICULARS ARE:

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<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
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<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
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<input type="checkbox"/> genetic characteristics testing	<input type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Failure to engage in an interactive process</u>	

by **BURGESS, CLARK**

LINE MANAGER

because of:

Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> medical condition (cancer or
<input checked="" type="checkbox"/> religion	<input type="checkbox"/> generic characteristic
<input type="checkbox"/> race/color	<input type="checkbox"/> other (specify) _____
<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> retaliation for engaging in protected
<input type="checkbox"/> marital status	<input type="checkbox"/> activity or requesting a protected
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Dated **09/17/2009**

At **Newhall, California**

DATE FILED: **09/17/2009**

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
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FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E200910R5251-03

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SHE HAD THE SECTION MANAGER WHO HAD DISCIPLINED ME SUMMON ME ON AUGUST 25 FOR A
PRIVATE MEETING. THIS TURNED OUT TO BE ANOTHER FRUITLESS CONVERSATION THAT THE
MANAGER ADMITTED HE WAS ONLY PROVIDING BECAUSE HE HAD BEEN ASKED TO BY HR. IN MY
ATTEMPT TO EXHAUST INTERNAL REMEDIES, THEREFORE, I FOUND THE "APPEAL" WAS A SHAM. IT LEFT
ME WITH NO RECOURSE BUT TO SEEK JUSTICE OUTSIDE THE COMPANY.

***** EMPLOYMENT *****

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E200910R5251-04**

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

COPPEDGE, DAVID

(661)298-3685

ADDRESS

19635 GREEN MOUNTAIN DR

CITY/STATE/ZIP

NEWHALL, CA, 91321-2147

COUNTY

LOS ANGELES

COUNTY CODE

037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (Include Area Code)

HUNTLEY, JHERTAUNE

(818)393-6184

ADDRESS

4800 OAK GROVE DR, M/S T1720-D

CITY/STATE/ZIP

PASADENA, CA 91109

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

RESPONDENT CODE

08/25/2009

04

THE PARTICULARS ARE:

I allege that on about or before

08/25/2009, the following

conduct occurred:

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input checked="" type="checkbox"/> harassment	<input checked="" type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Failure to engage in an interactive process</u>	

by **HUNTLEY, JHERTAUNE**

HUMAN RELATIONS INVESTIGATOR

because of:

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

<input type="checkbox"/> sex	<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> disability (physical or mental)	<input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input type="checkbox"/> medical condition (cancer or generic characteristic)	
<input checked="" type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	<input type="checkbox"/> other (specify) _____	
<input type="checkbox"/> race/color	<input type="checkbox"/> association		

**State of what you
believe to be the
reason(s) for
discrimination**

AN HR INVESTIGATION INVOLVING FREEDOM OF RELIGIOUS EXPRESSION IN THE WORKPLACE RESULTED IN A DEMOTION AND WRITTEN WARNING IN MY EMPLOYEE RECORD.

I HAVE WORKED AT JPL FOR 13 YEARS. THROUGHOUT THESE YEARS I HAVE ENJOYED A STRONG WORKING RELATIONSHIP WITH MY COLLEAGUES, WITHOUT ANY EMPLOYEE ISSUES. ON MARCH 2, 2009, MY OFFICE MANAGER SURPRISED ME BY ANGRILY ACCUSING ME OF PUSHING MY RELIGIOUS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **09/17/2009**

At **Newhall, California**

DATE FILED: **09/17/2009**

DFEH-300-03a (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E200910R5251-04

DFEH USE ONLY

State of what you
believe to be the
reason(s) for
discrimination

AN HR INVESTIGATION INVOLVING FREEDOM OF RELIGIOUS EXPRESSION IN THE WORKPLACE
RESULTED IN A DEMOTION AND WRITTEN WARNING IN MY EMPLOYEE RECORD.

I HAVE WORKED AT JPL FOR 13 YEARS. THROUGHOUT THESE YEARS I HAVE ENJOYED A STRONG WORKING RELATIONSHIP WITH MY COLLEAGUES, WITHOUT ANY EMPLOYEE ISSUES. ON MARCH 2, 2009, MY OFFICE MANAGER SURPRISED ME BY ANGRILY ACCUSING ME OF PUSHING MY RELIGIOUS VIEWS IN THE OFFICE. WHEN I ASKED WHAT SPECIFICALLY THAT INVOLVED, HE SAID I WAS HANDING OUT DVDS ON "INTELLIGENT DESIGN." (THESE DISCUSS SCIENTIFIC EVIDENCES AND ARE STRICTLY NON-SECTARIAN.) THE NEXT DAY, I WAS THE SUBJECT OF AN INVESTIGATION BY THE HR OFFICE. I WAS INTERVIEWED ON MARCH 5 BY AN HR INVESTIGATOR, BUT I WAS NOT TOLD SPECIFICALLY WHAT THE INVESTIGATION WAS ABOUT, OR WHETHER I WAS BEING ACCUSED OF SOMETHING, OR WHETHER OTHER PEOPLE WERE INVOLVED.

THROUGHOUT MARCH AND EARLY APRIL, I REPEATEDLY ASKED FOR INFORMATION, BUT WAS TOLD NOTHING EXCEPT THAT THE HR PERSON WOULD REPORT THE FINDINGS WHEN THE INVESTIGATION WAS COMPLETE. THEN ON APRIL 13, I WAS CALLED TO APPEAR BEFORE MY GROUP SUPERVISOR AND SECTION MANAGER. I WAS HANDED A WRITTEN WARNING, AND THEN DEMOTED FROM THE TEAM LEAD POSITION I HAD HELD FOR EIGHT YEARS.

THE ALLEGATIONS IN THE WARNING, HOWEVER, WERE VAGUE AND SUBJECTIVE, AND NOT SUPPORTED BY EVIDENCE. THE MANAGER AND GROUP SUPERVISOR DID NOT IDENTIFY THE ACCUSERS, NOR WERE THEY ABLE TO ANSWER MY QUESTIONS OR DISPUTE MY RESPONSES. MY GROUP SUPERVISOR, WHO WROTE THE WARNING, SAID THAT HE HAD NO PERSONAL KNOWLEDGE OF ANY COMPLAINTS BY ANYONE IN THE 10 YEARS I HAVE WORKED FOR HIM. HE ALSO ADMITTED THAT THE BEHAVIOR HE OBSERVED HIMSELF, INCLUDING THE LENDING OF DVDS (OF WHICH HE WAS AWARE) WAS ALWAYS ACCEPTABLE. HE SAID LATER THAT THE INVESTIGATION WAS INSTIGATED BY THE MARCH 2 MEETING, AND THE DISCIPLINARY ACTIONS TAKEN WERE BASED SOLELY ON THE SUBSEQUENT HR INVESTIGATION'S FINDINGS. IF THAT MEETING HAD NOT OCCURRED, HE SAID, I WOULD STILL BE IN GOOD STANDING.

I NOTICED THAT THE WRITTEN POLICY THEY SAID I HAD VIOLATED INCLUDES A RIGHT OF APPEAL. I REQUESTED AN APPEAL IN WRITING, ONLY TO FIND THAT IT WAS AN AD HOC PROCESS, WITH LONG DELAYS AND EMPTY PROMISES, WITHOUT ANY DUE PROCESS FOR THE ACCUSED. I MET WITH THE EMPLOYEE RELATIONS MANAGER ON JULY 21 AND FOUND THAT EVEN THOUGH SHE HAD SOME OF HER FACTS WRONG NO PROCESS EXISTED FOR AN IMPARTIAL REVIEW OF THE EVIDENCE. A MONTH LATER SHE HAD THE SECTION MANAGER WHO HAD DISCIPLINED ME SUMMON ME ON AUGUST 25 FOR A PRIVATE MEETING. THIS TURNED OUT TO BE ANOTHER FRUITLESS CONVERSATION THAT THE MANAGER ADMITTED HE WAS ONLY PROVIDING BECAUSE HE HAD BEEN ASKED TO BY HR. IN MY ATTEMPT TO EXHAUST INTERNAL REMEDIES, THEREFORE, I FOUND THE "APPEAL" WAS A SHAM. IT LEFT ME WITH NO RECOURSE BUT TO SEEK JUSTICE OUTSIDE THE COMPANY.

EXHIBIT 2

EXHIBIT 10
JAN 10 1971

10-10-71



William Becker <bbeckerlaw@gmail.com>

David Coppedge/JPL

William Becker <bbeckerlaw@gmail.com> Mon, Nov 9, 2009 at 5:04 PM

To: "Zapp, James A." <JamesZapp@paulhastings.com>

Jim,

What's the word? Have you investigated this matter sufficiently to discuss it further? For your information, I have filed a content/viewpoint discrimination 1983 action against the California Science Center for cancelling an event featuring intelligent design theory. This makes me the only guy in the country with not one but two 1983 actions involving intelligent design. Lucky me.

Please call me when you get a chance.

Bill

WILLIAM J. BECKER, JR., ESQ

The Becker Law Firm

11500 Olympic Blvd., Suite 400

Los Angeles, CA 90064

Tel: (310) 636-1018

Toll Free: (866) 649-6057

Fax: (310) 765-6328

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Thank you.

EX 2



William Becker <bbeckerlaw@gmail.com>

Coppedge/JPL

2 messages

William Becker <bbeckerlaw@gmail.com>

Mon, Nov 30, 2009 at 10:52 AM

To: "Zapp, James A." <JamesZapp@paulhastings.com>

Jim,

You may be interested in attending a debate tonight concerning intelligent design featuring Dr. Stephen C. Meyer, perhaps currently the leading figure on ID. He will be debating Michael Shermer, who has spoken at JPL.

The event is hosted by the American Freedom Alliance, my client, which is now in litigation with the California Science Center. Information is at: <http://www.americanfreedomalliance.org/microsite/darwindebates/index.htm>.

Please let me know when you would like to speak tomorrow.

Sincerely,

Bill

WILLIAM J. BECKER, JR., ESQ
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William Becker <bbeckerlaw@gmail.com>

Tue, Dec 1, 2009

To: "Zapp, James A." <JamesZapp@paulhastings.com>

That's fine.

Sincerely,

Bill

WILLIAM J. BECKER, JR., ESQ
The Becker Law Firm
11500 Olympic Blvd., Suite 400
Los Angeles, CA 90064
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On Tue, Dec 1, 2009 at 1:58 PM, Zapp, James A. <JamesZapp@paulhastings.com> wrote:

Bill,

Sorry to be slow in getting back to you. I have been working on getting certain pleadings (summary judgment, of course) out the can talk to you late this afternoon. Are you available between 4:00 and 5:30? Thanks.

Jim

James A. Zapp, Attorney at Law | Paul, Hastings, Janofsky & Walker LLP | 515 South Flower Street, 25th Floor, Los Angeles, CA 90071 | direct: [213 683-6294](tel:213-683-6294) | main: [213 683 6000](tel:213-683-6000) | direct fax: [213 996-3294](tel:213-996-3294) | main fax: [213-627-0705](tel:213-627-0705) | jameszapp@paulhastings.com | www.paulhastings.com

From: William Becker [mailto:bbeckerlaw@gmail.com]

Sent: Monday, November 30, 2009 10:52 AM

To: Zapp, James A.

Subject: Coppedge/JPL

[Quoted text hidden]

.....
IRS Circular 230 Disclosure: As required by U.S. Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the U.S. Internal Revenue Code.
.....

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William Becker <bbeckerlaw@gmail.com>

Coppedge/JPL

1 message

William Becker <bbeckerlaw@gmail.com> Fri, Jan 8, 2010 at 1:39 PM

To: "Zapp, James A." <jameszapp@paulhastings.com>

Bcc: David Coppedge <cdave@creationsafaris.com>

Jim,

I hope you had a pleasant holiday. The LA Times covered my AFA lawsuit recently: <http://www.latimes.com/entertainment/news/arts/la-et-science-center29-2009dec29.0,6400745.story>.

I also hope you had a chance to review the DVDs I sent you. If there is any interest in resolving this matter, I would appreciate hearing from you.

Sincerely,

Bill

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Thank you.

1. 10/10/10
2. 10/10/10



William Becker <bbeckerlaw@gmail.com>

Coppedge vs. JPL/Caltech et al. LASC Case No. BC 435600

7 messages

William Becker <bbeckerlaw@gmail.com>

Thu, Apr 15, 2010 at 1:41 PM

To: "Zapp, James A." <JamesZapp@paulhastings.com>

Jim,

Attached is a courtesy copy of the Complaint filed on behalf of David Coppedge. Would you be willing to execute a Notice of Acknowledgement and Receipt on each defendant, requiring the service of just one copy of the complaint and separate notices for each defendant, in lieu of personal service?

I do not plan to serve it until later in the month, perhaps early May.

Sincerely,

Bill

WILLIAM J. BECKER, JR., ESQ
The Becker Law Firm
11500 Olympic Blvd., Suite 400
Los Angeles, CA 90064
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 Complaint with stamp.pdf
212K

William Becker <bbeckerlaw@gmail.com>

Mon, Apr 19, 2010 at 10:48 AM

To: "Zapp, James A." <JamesZapp@paulhastings.com>

Jim,

Is there a reason why I am not hearing from you? I don't have a problem serving you directly, but would you do me the courtesy of advising your preference? TY.

Sincerely,

Bill

WILLIAM J. BECKER, JR., ESQ
The Becker Law Firm
11500 Olympic Blvd., Suite 400
Los Angeles, CA 90064
Tel: (310) 636-1018
Toll Free: (866) 649-6057
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[Quoted text hidden]

Zapp, James A. <JamesZapp@paulhastings.com>

Mon, Apr 19, 2010 at

To: William Becker <bbeckerlaw@gmail.com>

EX 3

Bill,

I was just buried last week -- nothing personal. I will check with my client regarding service of process for Caltech as well as for the individual defendants. JPL is not a separate corporate entity. It is an operating division of Caltech. I should have answer about a service by tomorrow or Wednesday. I will be back in touch with you as soon as I have the information. Thank you.

Jim

James A. Zapp, Attorney at Law | Paul, Hastings, Janofsky & Walker LLP | 515 South Flower Street, 25th Floor, Los Angeles, CA 90071 |
direct: 213 683-6294 | main: 213 683 6000 | direct fax: 213 996-3294 | main fax: 213-627-0705 | jameszapp@paulhastings.com | www.paulhastings.com

From: William Becker [mailto:bbeckerlaw@gmail.com]
Sent: Monday, April 19, 2010 10:48 AM
To: Zapp, James A.
Subject: Re: Coppedge vs. JPL/Caltech et al. LASC Case No. BC 435600

[Quoted text hidden]

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For additional information, please visit our website at www.paulhastings.com.

Zapp, James A. <JamesZapp@paulhastings.com>
To: William Becker <bbeckerlaw@gmail.com>

Thu, Apr 22, 2010 a

Bill,

I am not authorized to accept service on behalf of any of the defendants. You should proceed to serve them. Thanks.

Jim

James A. Zapp, Attorney at Law | Paul, Hastings, Janofsky & Walker LLP | 515 South Flower Street, 25th Floor, Los Angeles, CA 90071 |
direct: 213 683-6294 | main: 213 683 6000 | direct fax: 213 996-3294 | main fax: 213-627-0705 | jameszapp@paulhastings.com | www.paulhastings.com

From: William Becker [mailto:bbeckerlaw@gmail.com]
Sent: Monday, April 19, 2010 10:48 AM
To: Zapp, James A.
Subject: Re: Coppedge vs. JPL/Caltech et al. LASC Case No. BC 435600

[Quoted text hidden]

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William Becker <bbeckerlaw@gmail.com>

Thu, Apr 22, 2010 at 5:53 PM

To: "Zapp, James A." <JamesZapp@paulhastings.com>

I don't understand. Am I serving your office as attorney for them, or serving them separately? You do represent them, don't you? Please advise.

Sincerely,

Bill

WILLIAM J. BECKER, JR., ESQ
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[Quoted text hidden]

Zapp, James A. <JamesZapp@paulhastings.com>

Thu, Apr 22, 2010 at 10:21 PM

To: William Becker <bbeckerlaw@gmail.com>

Bill,

I am not sure what was unclear in my earlier email. Caltech is my client, but that alone does not authorize me to accept service on process of their behalf. You will need to serve each defendant, separately and directly, without going through me, because I am not authorized by any defendant to accept service on its or his behalf. I hope that clarifies it for you. Thanks.

Jim

James A. Zapp, Attorney | Paul, Hastings, Janotsky & Walker LLP | 515 South Flower Street, Twenty-fifth Floor, Los Angeles, CA 90071 |
direct: 213 683 6294 | main: 213 683 6000 | direct fax: 213 996 3294 | jameszapp@paulhastings.com | www.paulhastings.com

From: William Becker [<mailto:bbeckerlaw@gmail.com>]

Sent: Thursday, April 22, 2010 5:53 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

William Becker <bbeckerlaw@gmail.com>

Thu, Apr 22, 2010 at 11:04 PM

To: "Zapp, James A." <JamesZapp@paulhastings.com>

Loud and clear.

Sincerely,

Bill

WILLIAM J. BECKER, JR., ESQ
The Becker Law Firm
11500 Olympic Blvd., Suite 400
Los Angeles, CA 90064
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[Quoted text hidden]

100-100000-100000
100-100000-100000

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 DIANE CONNER,

VOLUME I, PAGES 1 - 65

TAKEN ON THURSDAY, APRIL 14, 2011

REPORTED BY:
HEIDI SULLIVAN
CSR NO. 6600
FILE NO.: 11-130

EX 4

1 A. SOFTWARE SYSTEMS EXECUTION.

2 Q. ARE YOU A SCIENTIST?

3 A. NO.

4 Q. ARE YOU A SOFTWARE PROGRAMMER?

5 A. NO.

6 Q. DESCRIBE FOR ME -- WELL, HOW LONG HAVE
7 YOU HELD THE POSITION OF MANAGER IN 317A?

8 A. SINCE SEPTEMBER OF 2010.

9 Q. AND PRIOR TO SEPTEMBER OF 2010, WHAT
10 POSITION DID YOU HOLD, IF ANY, AT JPL?

11 A. SENIOR ENGINEER.

12 Q. GIVE ME THE DATE RANGE OF WHEN YOU WERE
13 EMPLOYED IN THAT POSITION.

14 A. 2002 TO 2009 -- 2010 RATHER.

15 Q. AND WAS THAT IN 317A?

16 A. NO.

17 Q. WHERE WAS THAT?

18 A. BEGAN IN 388 UNTIL 2006, WHERE I MOVED
19 TO 317.

20 Q. 317A. HAS THE "A" --

21 A. IT WAS C, I BELIEVE.

22 Q. SO THIS WOULD HAVE BEEN 317C FROM
23 APPROXIMATELY 2007 OR 2006 WOULD BE --

24 A. 2006.

25 Q. FROM 2006 TO SEPTEMBER 2010; IS THAT

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 DIANE CONNER,

VOLUME II, PAGES 66 - 143

TAKEN ON THURSDAY, AUGUST 4, 2011

REPORTED BY:
HEIDI SULLIVAN
CSR NO. 6600
FILE NO.: 11-156

1 Q. JUST THERE WAS A LAWSUIT? NOT WHAT
2 ABOUT?

3 A. NO.

4 Q. NOT WHO IS BEING SUED?

5 A. WELL, JPL, YES, BUT NOT ANY DETAILS.

6 Q. YOU DIDN'T ASK WHY?

7 A. NO.

8 Q. YOU DIDN'T SAY, "OH, I KNOW DAVE
9 COPPEDGE"?

10 A. I JUST DIDN'T DISCUSS IT. IT WAS JUST
11 SOMETHING THAT SOMEBODY LET ME KNOW.

12 Q. AND SO DID YOU ATTEND A MEETING IN MAY OF
13 2010 AT WHICH TIME COUNSEL WAS PRESENT?

14 MR. ZAPP: YOU CAN ANSWER THAT YES, NO, OR YOU
15 DON'T REMEMBER..

16 THE WITNESS: I DON'T RECALL WHEN IT WAS.

17 BY MR. BECKER:

18 Q. DO YOU REMEMBER THE FIRST TIME YOU EVER
19 MET MR. ZAPP?

20 A. YES.

21 Q. WHEN WAS THAT?

22 A. I BELIEVE IT WAS MARCH OR APRIL 2011.

23 Q. OF 2011?

24 A. SORRY. TWO THOUSAND -- WAIT A MINUTE.

25 IT WAS PROBABLY APRIL, MAY OF 2010.

1 Q. AND WAS THERE A MEETING THAT YOU ATTENDED
2 WITH OTHERS WHEN YOU FIRST MET MR. ZAPP?

3 A. YES.

4 Q. WHO ELSE ATTENDED THE MEETING?

5 A. I DON'T RECALL EVERYONE WHO ATTENDED.

6 Q. DO YOU REMEMBER --

7 A. I CAN'T NAME NAMES.

8 Q. CAN YOU NAME HIMA VATTI WHO'S SITTING
9 HERE TODAY?

10 A. HIMA VATTI, BOB MITCHELL. I BELIEVE
11 SHERI CURTIS WAS THERE. THERE WAS ANOTHER ASSISTANT
12 LAWYER.

13 I THINK THAT'S IT.

14 Q. RICHARD VAN WHY?

15 A. NO, I DON'T BELIEVE HE WAS AT THE FIRST
16 MEETING.

17 Q. AND WITHOUT CONVEYING ANY COMMUNICATIONS
18 THAT MAY HAVE BEEN MADE DURING THAT MEETING, WHAT WAS
19 THE PURPOSE OF THAT MEETING?

20 MR. ZAPP: WELL --

21 BY MR. BECKER:

22 Q. WAS THE PURPOSE OF THE MEETING TO MEET
23 WITH COUNSEL REGARDING THIS LAWSUIT?

24 MR. ZAPP: I'M GOING TO OBJECT TO THE EXTENT
25 THAT IT INVADES THE ATTORNEY-CLIENT PRIVILEGE.

1 I GUESS I'LL ALLOW YOU TO ANSWER THAT
2 QUESTION, BUT ONLY WITHOUT DISCUSSING ANYTHING THAT
3 WAS SAID IN THE MEETING OR THE COMMUNICATIONS THAT
4 ACTUALLY TOOK PLACE, IF YOU KNOW WHAT THE PURPOSE OF
5 THE MEETING WAS.

6 THE WITNESS: IT WAS JUST TO DISCUSS THE
7 LAWSUIT.

8 BY MR. BECKER:

9 Q. AT THE TIME OF THAT MEETING, WERE YOU
10 AWARE OF THE PENDING REORGANIZATION?

11 A. YES.

12 Q. AT THE TIME OF THAT MEETING, WERE YOU
13 AWARE OF THE PENDING LAYOFFS?

14 A. NO.

15 Q. AT THE TIME OF THAT MEETING, WHAT ROLE --
16 WHAT WAS YOUR JOB POSITION?

17 A. SCIENCE SYSTEM ENGINEER.

18 Q. WERE YOU ASKED TO ATTEND THAT MEETING BY
19 BOB MITCHELL?

20 A. NO.

21 Q. WERE YOU ASKED TO ATTEND THAT MEETING BY
22 SOMEBODY IN HR?

23 A. NO.

24 (MS. VATTI EXITS THE ROOM.)

25 ///

1 BY MR. BECKER:

2 Q. WERE YOU ASKED TO ATTEND THAT MEETING BY
3 ANYBODY?

4 A. YES.

5 MR. BECKER: I'M LOOKING AT "TO TELL THE
6 TRUTH" HERE, FOUR DOWN, FIVE TO GO, DOROTHY KILGALLEN.
7 YOU WERE TOO BUSY READING BOOKS. I WAS WATCHING TV.

8 Q. THE PERSON WHO ASKED YOU TO COME, WAS IT
9 SOMEBODY OTHER THAN A LAWYER?

10 A. NO.

11 MR. ZAPP: I'M SURPRISED THAT WASN'T THE FIRST
12 QUESTION YOU ASKED. YOU COULD SPEED THE DEPOSITION
13 ALONG.

14 MR. BECKER: I'M VERY CURIOUS TO KNOW WHY YOU
15 ASKED HER TO BE AT THAT MEETING.

16 Q. AND I SUPPOSE YOU'RE NOT GOING TO TELL
17 ME, ARE YOU?

18 A. NO.

19 Q. SO IN APRIL OR MAY OF 2010, COUNSEL ASKED
20 YOU TO ATTEND A MEETING REGARDING THIS LAWSUIT, AND
21 THE JURY IS NOT GOING TO KNOW WHY; RIGHT?

22 A. THAT'S CORRECT.

23 Q. IN APRIL OR MAY OF 2010, WERE YOU
24 SUPERVISING DAVID'S WORK?

25 A. NO.

1 Q. WHAT WAS YOUR RELATIONSHIP TO DAVID AT
2 THAT POINT IN TIME, YOUR BUSINESS RELATIONSHIP?

3 A. WE WORKED TOGETHER.

4 Q. IN WHAT SENSE?

5 A. HE SUPPORTED A LOT OF THE TASKS THAT I
6 WORKED ON.

7 Q. NOW, YOU SAID THAT RICHARD VAN WHY WAS
8 NOT AT THAT INITIAL MEETING.

9 ARE YOU SURE ABOUT THAT?

10 A. FAIRLY CERTAIN.

11 Q. WAS THERE ANOTHER MEETING WHERE HE DID
12 ATTEND WITH COUNSEL?

13 A. YES.

14 Q. DO YOU RECALL ABOUT HOW LONG AFTER THAT
15 INITIAL MEETING THAT OCCURRED?

16 A. COUPLE WEEKS.

17 Q. AND DID THAT MEETING ALSO INVOLVE THE
18 LAWSUIT?

19 MR. ZAPP: OBJECTION. INSTRUCT HER NOT TO
20 ANSWER. I THINK IT'S INVADING THE ATTORNEY-CLIENT
21 PRIVILEGE.

22 MR. BECKER: IT'S THE SAME QUESTION AS THE
23 FIRST MEETING. SHE ALREADY ANSWERED THAT THAT ONE WAS
24 ABOUT THE LAWSUIT. ALL I'M ASKING HER IS WHETHER THIS
25 ONE WAS TOO.

1 MR. ZAPP: OKAY. I'LL LET YOU ANSWER THAT
2 QUESTION.

3 THE WITNESS: YES.

4 BY MR. BECKER:

5 Q. OTHER THAN THOSE TWO MEETINGS, WERE THERE
6 ADDITIONAL MEETINGS IN THE FIRST HALF OF 2010 THAT YOU
7 ATTENDED WITH COUNSEL, REGARDING THE LAWSUIT?

8 A. CAN YOU REPEAT THE QUESTION.

9 Q. OTHER THAN THOSE TWO MEETINGS, WERE THERE
10 OTHER MEETINGS IN THE FIRST HALF OF THE YEAR 2010 THAT
11 YOU ATTENDED WITH COUNSEL PRESENT, REGARDING THE
12 LAWSUIT?

13 A. I DON'T RECALL.

14 Q. YOU ONLY RECALL THE TWO MEETINGS?

15 A. IN THAT TIME FRAME.

16 Q. HOW ABOUT THE REST OF THE YEAR? WERE
17 THERE ANY ADDITIONAL MEETINGS?

18 A. YES..

19 Q. HOW MANY?

20 A. A COUPLE.

21 Q. DO YOU RECALL APPROXIMATELY WHEN THOSE
22 TWO MEETINGS TOOK PLACE?

23 A. THE SECOND HALF OF THE YEAR.

24 Q. THAT'S IT?

25 A. MAYBE AUGUST, SEPTEMBER. THERE WOULD BE

1 LONG TIME PERIODS.

2 Q. OKAY. AND WHO ATTENDED THOSE OTHER
3 MEETINGS?

4 A. I DON'T RECALL SPECIFICALLY.

5 Q. RICHARD VAN WHY?

6 A. I DON'T RECALL.

7 Q. SHERI CURTIS?

8 A. NO.

9 Q. ANYBODY ELSE FROM HR?

10 A. POSSIBLY.

11 Q. BOB MITCHELL?

12 A. YES.

13 Q. DID HE ATTEND ALL OF THEM?

14 A. NOT ALL. MOST.

15 Q. HIMA VATTI?

16 A. YES.

17 Q. AT ANY POINT IN TIME WHEN THESE MEETINGS
18 WERE TAKING PLACE, WERE YOU AWARE THAT DAVID WAS GOING
19 TO BE SELECTED FOR LAYOFF?

20 MR. ZAPP: OBJECTION. VAGUE AS TO TIME.

21 MR. BECKER: THAT'S WHAT I'M TRYING TO GET AT.
22 THE QUESTION ASKS FOR THE TIME.

23 MR. ZAPP: SO IS THE QUESTION AT ANY OF THOSE
24 MEETINGS DID SHE KNOW THAT HE WAS ONE OF THE TWO THAT
25 HAD BEEN SELECTED?

1 MR. BECKER: YES.

2 MR. ZAPP: IS THAT THE ESSENCE OF IT? OKAY.

3 THE WITNESS: YES.

4 BY MR. BECKER:

5 Q. YOU MENTIONED THAT YOU RECALL AT LEAST
6 FOUR MEETINGS IN 2010; RIGHT?

7 A. (NO AUDIBLE RESPONSE.)

8 Q. BUT YOU DON'T RECALL HOW LATE IN THE YEAR
9 THE LAST OF THOSE MEETINGS OCCURRED, DO YOU?

10 A. IT WAS LATE IN THE YEAR.

11 Q. WOULD IT HAVE BEEN IN DECEMBER?

12 A. PERHAPS.

13 Q. BECAUSE THAT WOULD HAVE BEEN ABOUT A
14 MONTH BEFORE THE LAYOFFS; CORRECT?

15 A. YES.

16 Q. AND SO WOULD IT HAVE BEEN AT THAT MEETING
17 THAT YOU WERE AWARE THAT DAVID WOULD BE LAID OFF?

18 A. SOUNDS LIKE YOU'RE TRYING TO FIND OUT
19 WHAT HAPPENED IN THAT MEETING.

20 MR. ZAPP: NO. HE'S JUST ASKING WHETHER YOU
21 KNEW AT THAT TIME THAT HE HAD BEEN SELECTED OR IF YOU
22 DIDN'T KNOW AT THAT TIME IF THERE WAS A FINAL
23 SELECTION. THAT'S THE QUESTION.

24 THE WITNESS: I KNEW AT THAT TIME.

25 ///

1 HAD ONE CONVERSATION WITH --

2 MR. ZAPP: WITH THE THREE OF THEM.

3 MR. BECKER: -- WITH RICHARD WITH THE RANKING
4 SHEET.

5 MR. ZAPP: NO, THAT'S NOT WHAT SHE SAID.

6 THAT'S WHY I'M SAYING IT'S CONFUSING.

7 BY MR. BECKER:

8 Q. LET ME BE VERY DELIBERATE IN MY
9 QUESTIONING, THEN.

10 DURING THE PROCESS OF DETERMINING WHO WAS
11 TO BE LAID OFF, DID YOU HAVE TELEPHONE CONVERSATIONS
12 WITH RICHARD VAN WHY AND CLARK BURGESS SIMULTANEOUSLY?

13 A. I REMEMBER ONE TELEPHONE CONVERSATION
14 WITH THOSE THREE -- WITH US THREE.

15 Q. AND WHAT WAS DISCUSSED IN THAT
16 CONVERSATION?

17 A. WE WERE TALKING ABOUT SKILLS AND THE
18 DIFFERENT QUALIFICATIONS OF THE DIFFERENT SA'S --
19 RELATIVE QUALIFICATIONS.

20 Q. WERE YOU EMPLOYING THE RANKING OR
21 WEIGHTING CRITERIA DURING THAT CONVERSATION?

22 A. NO.

23 Q. WERE YOU TAKING NOTES DURING THAT
24 CONVERSATION?

25 A. NO..

1 Q. HOW LONG WAS THAT CONVERSATION?

2 A. COULD HAVE BEEN UP TO AN HOUR.

3 Q. WAS THERE A GENERAL CONSENSUS DURING THAT
4 CONVERSATION AS TO THE RELATIVE RANKING OF THE VARIOUS
5 INDIVIDUALS?

6 A. NO.

7 Q. AND BY THE WAY, THE SA'S THAT WERE RANKED
8 INCLUDED GARY WANG; RIGHT? OR NOT GARY WANG.

9 GARY WANG; RIGHT?

10 MR. ZAPP: OBJECTION. VAGUE.

11 WHAT IS THE QUESTION?

12 BY MR. BECKER:

13 Q. THE LIST OF SA'S THAT WERE CONSIDERED IN
14 THIS LAYOFF CRITERIA DISCUSSION INCLUDED GARY WANG; IS
15 THAT RIGHT?

16 MR. ZAPP: LET ME OBJECT. SHE HAS NOT STATED
17 THAT SHE SAW ANY LIST OF INDIVIDUALS OR THINGS DURING
18 THAT CONVERSATION WITH CAB.

19 MR. BECKER: I DIDN'T ASK HER IF SHE SAW A
20 LIST.

21 Q. I ASKED YOU IF YOU DISCUSSED GARY WANG.

22 MR. ZAPP: NO. THAT WAS A DIFFERENT QUESTION.
23 YOU CAN ANSWER THAT.

24 THE WITNESS: NO.

25 ///

1 BY MR. BECKER:

2 Q. DID YOU DISCUSS CHRIS CORDELL IN THAT
3 CONVERSATION?

4 A. NO.

5 Q. DID YOU DISCUSS NICK PATEL?

6 A. YES.

7 Q. OSCAR CASTILLO?

8 A. YES.

9 Q. HARVEY CHIEN?

10 A. YES.

11 Q. DAVID COPPEDGE?

12 A. YES.

13 Q. AND THAT'S IT?

14 A. YES.

15 Q. WAS THERE CONSENSUS AS TO THE GENERAL
16 RANKING FOR THOSE FOUR INDIVIDUALS IN THAT
17 CONVERSATION?

18 MR. ZAPP: OBJECTION. ASSUMES FACTS NOT IN
19 EVIDENCE AS TO WHETHER A RANKING TOOK PLACE THEN.

20 GO AHEAD.

21 THE WITNESS: WE DIDN'T DISCUSS RANKING.

22 BY MR. BECKER:

23 Q. YOU JUST DISCUSSED INDIVIDUAL APTITUDES
24 AND SKILLS AND THAT SORT OF THING?

25 A. YES, RELATIVE SKILLS AND QUALIFICATIONS.

1 Q. BUT YOU DIDN'T KEEP ANY NOTES, YOU SAID?

2 A. NO.

3 Q. AND THEN HOW LONG AFTER THAT DID YOU HAVE
4 A SECOND DISCUSSION, THIS TIME WITH ONLY RICHARD
5 VAN WHY?

6 A. WITHIN A FEW WEEKS.

7 Q. AT THE TIME THAT YOU HAD THAT
8 CONVERSATION, DID YOU HAVE THE LAYOFF CRITERIA MATRIX
9 IN FRONT OF YOU?

10 MR. ZAPP: OBJECTION. THAT'S VAGUE AND
11 AMBIGUOUS.

12 DO YOU MEAN DID SHE HAVE THE DOCUMENT
13 BATES-STAMPED 233 IN FRONT OF HER?

14 MR. BECKER: YES.

15 THE WITNESS: YES.

16 BY MR. BECKER:

17 Q. IN THAT CONVERSATION, DID YOU LIST THE
18 NAMES OF THE CANDIDATES FOR SELECTION FOR LAYOFF?

19 A. NO.

20 Q. DID YOU DISCUSS WITH VAN WHY THE
21 INDIVIDUAL CANDIDATES FOR LAYOFF?

22 A. NO.

23 Q. WHAT WAS THE PURPOSE OF THAT CALL?

24 A. TO DESCRIBE TO ME WHAT THIS SPREADSHEET
25 WAS AND WHAT HE WANTED ME TO DO WITH IT.

1 Q. WHAT DID HE WANT YOU TO DO WITH IT?

2 A. HE WANTED ME TO APPLY WEIGHTS TO THE
3 DIFFERENT CRITERIA.

4 Q. OKAY. AND YOU PROVIDED HIM WITH THAT
5 INFORMATION?

6 A. NOT DURING THAT TELEPHONE CONVERSATION
7 BUT LATER, YES.

8 Q. SUBSEQUENT TO THE PHONE CALL?

9 A. YES.

10 Q. SO AT ANY TIME DID YOU EVER HAVE A
11 CONVERSATION WITH VAN WHY OR ANYBODY ELSE IN WHICH YOU
12 DISCUSSED THE RANKING OF THE SA'S FOR THE PURPOSE OF
13 DETERMINING WHO WOULD BE LAID OFF?

14 MR. ZAPP: OBJECTION. VAGUE AS TO "RANKING."

15 DO YOU MEAN INSERTING NUMBERS AND SCORES
16 FOR THE PEOPLE?

17 MR. BECKER: YES.

18 MR. ZAPP: OKAY.

19 THE WITNESS: NO.

20 BY MR. BECKER:

21 Q. AND THAT WAS, TO YOUR KNOWLEDGE,
22 VAN WHY'S RESPONSIBILITY?

23 MR. ZAPP: OBJECTION TO THE EXTENT IT CALLS
24 FOR SPECULATION.

25 BUT YOU CAN GO AHEAD.

Figure 6

Figure 6 shows two plots related to the model fit. The top plot displays the observed values against the predicted values from the model, showing a strong positive correlation. The bottom plot displays the residuals against the predicted values, showing a random distribution around zero.

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 RICHARD WILLIAM VAN WHY
TAKEN ON FRIDAY, JULY 22, 2011

REPORTED BY:
VICKI A. SABER
CSR NO. 6212
FILE NO.: 11-152

1 BY MR. BECKER:

2 Q. OKAY. TELL ME WHAT THOSE ARE.

3 A. SHE IS SOMEBODY THAT I HAVE WORKED WITH TO
4 ENSURE THAT THE NEEDS OF CASSINI ARE BEING MET WITH THE
5 EXISTING STAFFING. THERE'S ADDITIONAL NEEDS THAT SHE
6 MAY HAVE, AND I LOOK TO ADDRESS THOSE.

7 Q. HOW LONG HAS SHE BEEN ACTING AS LIAISON FOR
8 CASSINI WITH RESPECT TO YOUR TECHNICAL STAFF?

9 A. ROUGHLY A YEAR.

10 Q. PRIOR TO THAT WHO DID YOU WORK WITH AS LIAISON
11 IN CASSINI?

12 A. I DID NOT.

13 Q. WHY NOT, DO YOU KNOW?

14 A. IT'S ONLY BEEN IN THE LAST YEAR THAT I'VE
15 TAKEN ON THE ACTING ROLE RESPONSIBLE FOR INTERFACING
16 WITH CASSINI.

17 Q. DID SOMEBODY ELSE DO THAT, PERFORM THAT JOB
18 BEFORE YOU?

19 A. YES.

20 Q. WHO WAS THAT?

21 A. CAB BURGESS.

22 Q. WHEN CAB BURGESS RETIRED DID YOU ASSUME ALL OF
23 HIS DUTIES?

24 A. YES.

25 Q. WAS THAT AN INCREASE IN YOUR RESPONSIBILITY OR

1 A LATERAL MOVE?

2 MR. ZAPP: OBJECTION. VAGUE.

3 GO AHEAD.

4 THE WITNESS: IT'S AN INCREASE AS IT'S AN
5 ACTING ROLE.

6 BY MR. BECKER:

7 Q. WAS THAT PART OF A REORGANIZATION PLAN, TO
8 YOUR KNOWLEDGE?

9 A. NO.

10 Q. IT WASN'T OR YOU DON'T KNOW?

11 A. NO, IT WAS NOT PART OF A REORGANIZATION PLAN.

12 Q. DO YOU KNOW WHY YOU WERE GIVEN THOSE
13 ADDITIONAL DUTIES WHEN BURGESS RETIRED?

14 A. THERE WAS NO REPLACEMENT CANDIDATE THAT HAD
15 BEEN SELECTED.

16 Q. HAS THERE BEEN -- WELL, THERE HAS BEEN NO
17 REPLACEMENT TO THIS DATE OTHER THAN YOU TO FILL IN THOSE
18 SHOES, RIGHT?

19 A. THAT'S CORRECT.

20 Q. IS ONE ANTICIPATED, TO YOUR KNOWLEDGE?

21 A. YES.

22 Q. ARE THEY INTERVIEWING FOR ONE?

23 A. NO.

24 Q. IS THAT BECAUSE OF THE BUDGET, TO YOUR
25 KNOWLEDGE?

1 A. NO.

2 Q. APPROXIMATELY HOW MANY PEOPLE WERE AT THAT
3 MEETING?

4 A. ROUGHLY SEVEN.

5 Q. SO I'VE GOT BURGESS, KLENK, CONNER, ZAPP,
6 HIMA, YOU, AND WHO AM I MISSING?

7 A. ROBERT MITCHELL.

8 Q. MITCHELL. DO YOU RECALL ANYBODY ELSE BEING
9 PRESENT?

10 A. I DON'T RECALL ANYBODY ELSE BEING PRESENT.

11 Q. DO YOU RECALL WHETHER THAT MEETING TOOK PLACE
12 PRIOR TO AUGUST 2010 SPECIFICALLY?

13 A. YES.

14 Q. YOU JUST DON'T RECALL IF IT WAS MAY, JUNE OR
15 JULY?

16 A. I BELIEVE IT WAS IN MAY.

17 Q. WHAT CAUSES YOU TO BELIEVE THAT IT WAS IN MAY?

18 A. I BELIEVE IT WAS RIGHT AT THE BEGINNING OF
19 SUMMER, END OF SPRING.

20 Q. HOW DID YOU LEARN OF THE MEETING?

21 A. I RECEIVED A CALENDAR INVITE FROM HIMA VATTI.

22 Q. DO YOU RECALL WHAT THE SUBJECT LINE OF THE
23 INVITE WAS?

24 MR. ZAPP: WELL, I'M GOING TO OBJECT. I THINK
25 THAT INVADES THE ATTORNEY/CLIENT PRIVILEGE. INSTRUCT

1 MR. BECKER: THAT'S FINE. I UNDERSTAND THAT,
2 AND YOU CAN MAKE YOUR INSTRUCTION, BUT DON'T ACCUSE ME
3 OF ANY WRONGDOING BECAUSE I'M NOT DOING A --

4 MR. ZAPP: I'M NOT ACCUSING YOU OF ANY
5 WRONGDOING.

6 BY MR. BECKER:

7 Q. IF I UNDERSTAND YOUR TESTIMONY, YOU LEARNED OF
8 THIS LAWSUIT FOR THE FIRST TIME AT THE MEETING; IS THAT
9 RIGHT?

10 A. YES.

11 Q. OKAY. AFTER THAT MEETING DID YOU TAKE ANY
12 ACTION WITH RESPECT TO DAVID COPPEDGE'S EMPLOYMENT
13 STATUS AT JPL?

14 MR. ZAPP: OBJECTION. VAGUE. YOU MEAN AT ANY
15 TIME IN THE MONTH FOLLOWING IT?

16 MR. BECKER: I'LL GET AROUND TO THE TIMING OF
17 IT. I JUST SAID SOMETIME AFTER THAT.

18 MR. ZAPP: SO YOU MEAN AT ANY TIME AFTER THAT?

19 MR. BECKER: YES.

20 THE WITNESS: YES.

21 BY MR. BECKER:

22 Q. HOW LONG AFTER THAT MEETING DID YOU BEGIN TO
23 TAKE SOME KIND OF ACTION WITH RESPECT TO DAVID
24 COPPEDGE'S EMPLOYMENT STATUS?

25 MR. ZAPP: I'M GOING TO OBJECT TO THE PHRASE

1 A. NO.

2 Q. NOW, I WANT TO BE CLEAR ABOUT THIS. BACKING
3 UP TO THE MAY MEETING WITH COUNSEL, IT'S COUNSEL'S
4 POSITION YOU CAN'T SAY A WORD ABOUT THAT MEETING, RIGHT?
5 SO -- AND THIS IS SORT OF JUST FOR EVERYBODY'S
6 INFORMATION HERE. I'M NOT TRYING TO BADGER THE WITNESS
7 OR ANYTHING, BUT IF THAT'S GOING TO BE THE EVIDENCE IN
8 THE CASE ABOUT YOUR KNOWLEDGE OF DAVID COMING IN MAY OF
9 2010 IN THIS LAWSUIT, AND THAT'S ALL THE JURY IS GOING
10 TO HEAR ABOUT, OKAY, THEN IT WILL CREATE AN INFERENCE OR
11 QUESTION AS TO WHAT YOU KNEW. AND IF YOU'RE NOT ABLE TO
12 TELL THE JURY, I'M GOING TO MAKE CERTAIN ARGUMENTS ABOUT
13 WHAT YOU KNEW.

14 SO YOU MAY WANT TO TAKE A BREAK WITH COUNSEL
15 AT SOME POINT AND LET ME KNOW IF YOU CAN SAY ANY MORE
16 ABOUT IT, BUT I'M GOING TO ACCEPT IT AS IT IS RIGHT NOW
17 WITH THAT LITTLE BIT OF INFORMATION.

18 BY THE WAY, DID YOU HAVE ANY MORE MEETINGS
19 WITH COUNSEL PRESENT AFTER MAY?

20 A. YES.

21 Q. ABOUT HOW MANY?

22 A. I DON'T RECALL THE TOTAL NUMBER.

23 Q. GIVE ME AN ESTIMATE.

24 A. MAYBE A HALF-DOZEN.

25 Q. WOULD THAT INCLUDE TODAY'S MEETING BEFORE THE

1 DEPOSITION?

2 A. NO.

3 Q. ARE THE HALF-DOZEN MEETINGS YOU JUST REFERRED
4 TO MEETINGS WHERE OTHER EMPLOYEES OF JPL WERE ALSO
5 PRESENT?

6 A. YES.

7 Q. OKAY. CAN YOU CHARACTERIZE THOSE MEETINGS AS
8 INFORMATIONAL MEETINGS BY COUNSEL?

9 MR. ZAPP: OBJECTION. VAGUE "INFORMATIONAL
10 MEETINGS BY COUNSEL."

11 BY MR. BECKER:

12 Q. OR BRIEFINGS ON THE -- WELL, LET ME SAY THIS.
13 I DON'T WANT TO GET INTO THAT. I'M TRYING TO SAY IT
14 DELICATELY.

15 MR. ZAPP: THERE'S NOTHING THAT WOULD PRECLUDE
16 YOU FROM GOING THROUGH THE STEPS HE TOOK. I MEAN, HE
17 CAN ANSWER THOSE QUESTIONS. I MEAN, YOU'RE ALLOWED TO
18 ASK ABOUT WHAT YOU'RE DOING SO I THINK YOU SHOULD ASK
19 IT.

20 MR. BECKER: I'M GOING TO ASK HIM FIRST WHEN
21 THESE HALF A DOZEN MEETINGS TOOK PLACE.

22 Q. WE'RE BUILDING A TIMELINE HERE, SO WE'RE
23 STARTING AT MAY.

24 MR. ZAPP: WHAT YOU REMEMBER YOU REMEMBER. I
25 DON'T WANT YOU GUESSING, BUT YOU SHOULD TELL HIM WHAT

1 3; IS THAT RIGHT?

2 A. THAT IS CORRECT.

3 Q. DID YOU EVER QUESTION HER AS TO HOW SHE AND
4 BOB WENT ABOUT DETERMINING THE WEIGHTS?

5 A. NO, I DID NOT.

6 Q. ALL RIGHT. NOW LET'S REVISIT THE TIMELINE.
7 THIS WAS JULY 28TH. YOU HAD BEEN TALKING TO THEM
8 WITHIN, LET'S SAY, THE WEEK BEFORE YOU RECEIVED THIS.
9 MAYBE WITHIN THE DAY BEFORE FOR ALL I KNOW. MAYBE THAT
10 DAY, FOR INSTANCE EVEN, BUT LET'S SAY JUST GENERALLY
11 SPEAKING TO THE BEST OF YOUR MEMORY IT WAS WITHIN THE
12 TIME PERIOD IN THE END OF JULY, RIGHT?

13 A. YES.

14 Q. OKAY. WHAT WAS THE NEXT STEP YOU TOOK IN THE
15 LAYOFF PROCESS?

16 A. THE NEXT STEP WAS TO DETERMINE THE LIST OF
17 INDIVIDUALS WHO WOULD BE AT RISK AND WOULD BE ASSESSED
18 IN THIS FORM.

19 Q. AND WHO DID THAT FALL ON?

20 A. THAT FELL ON ME AS THE ACTING GROUP SUPERVISOR
21 WITH ASSISTANCE FROM H.R.

22 Q. NOW, ON PAGE -- I'M SORRY, ON BATES 241 -- WE
23 MIGHT AS WELL MARK THAT NEXT.

24 241, 242, MARKING THAT AS EXHIBIT 59.

25 (EXHIBIT 59 WAS MARKED FOR

1 TO 1.0 AS AN EMPLOYEE AT FTE AT JPL --

2 A. HE IS --

3 Q. -- OR IS HE PART TIME?

4 A. HE IS FULLY EMPLOYED THROUGH JPL, THAT IS
5 CORRECT.

6 Q. SO HE'S 1.0 FTE, RIGHT?

7 A. THAT IS CORRECT.

8 Q. SO MY QUESTION IS WHERE DOES THE OTHER POINT
9 NINE COME FROM?

10 A. DIRECT CUSTOMERS.

11 Q. WHAT DO YOU MEAN BY "DIRECT CUSTOMERS"?

12 A. CASSINI IS A DIRECT FUNDED CUSTOMER THAT
13 SUPPORTED DAVID COPPEDGE AND HARVEY CHIEN, NICK PATEL,
14 AND THERE ARE OTHER CUSTOMERS THAT SUPPORT ANOTHER
15 SYSTEM OF INDIVIDUALS AND TECHNICAL INDIVIDUALS ON LAB,
16 AND GARY'S FUNDING IS SPREAD OVER MULTIPLE CUSTOMERS ON
17 LAB.

18 Q. ALL RIGHT. LET'S USE HARVEY CHIEN AS AN
19 EXAMPLE SINCE HE'S ON THE FIRST LINE THERE.

20 A. OKAY.

21 Q. AND HE HAS A RANK FOR NEED AT 4. HOW WAS THAT
22 DETERMINED?

23 A. IT WAS DETERMINED FROM CONVERSATIONS WITH CAB
24 BURGESS AND DIANE CONNER.

25 Q. OKAY. LET'S TALK ABOUT THOSE CONVERSATIONS,

1 MR. ZAPP: OBJECTION. VAGUE.

2 THE WITNESS: THE DISCUSSIONS WERE LOOKING AT
3 A -- VERSUS THE SPECIFIC TECHNOLOGIES OR VERY SPECIFIC
4 S.A. TOUCHING AS CROSS THE BOARDS. IT WAS LOOKING MORE
5 AT THE OVERALL VALUE THAT EACH ONE OF THE S.A.'S BROUGHT
6 AS FAR AS OVERALL SYSTEM ADMINISTRATOR SKILLS.
7 BY MR. BECKER:

8 Q. HOW DO YOU DETERMINE THE OVERALL VALUE THAT AN
9 INDIVIDUAL WOULD BRING TO SYSTEMS ADMINISTRATOR SKILLS?
10 HOW DO YOU GO ABOUT DOING THAT?

11 A. PRIMARILY TAKING A LOOK AT DIRECT CUSTOMER
12 FEEDBACK.

13 Q. ANYTHING ELSE?

14 A. THAT'S TYPICALLY ONE OF THE BEST INDICATORS.
15 SO FOR THIS IT WAS SPECIFICALLY TAKING A LOOK AT DIANE
16 CONNER'S ASSESSMENT OF EACH OF THESE INDIVIDUALS AS
17 SYSTEMS ADMINISTRATORS.

18 Q. DIANE CONNER'S OR DIANE CONNER'S AND CAB
19 BURGESS'S?

20 A. PRIMARILY DIANE CONNER'S WITH SOME FROM CAB
21 BURGESS.

22 Q. AND WHY WAS THAT?

23 A. DIANE CONNER IS THE ONE MORE INVOLVED WITH
24 TECHNICAL DIRECTION AND DAY-TO-DAY INTERACTION WITH THE
25 TEAM, WHEREAS CAB BURGESS IS A LINE MANAGER THAT

1 Q. HAVE YOU EVER READ THE COMPLAINT IN THIS
2 LAWSUIT?

3 A. NO.

4 Q. HAVE YOU EVER READ ANY VERSION OF IT?

5 A. NO.

6 Q. HAS IT EVER BEEN -- HAVE YOU EVER BEEN
7 INFORMED OF THE NATURE OF THE ALLEGATIONS IN THIS
8 LAWSUIT?

9 A. NO.

10 Q. SO AT NO TIME HAVE YOU EVER LEARNED THAT JPL
11 ACCUSED DAVID OF VIOLATING ITS UNLAWFUL HARASSMENT
12 POLICY?

13 MR. ZAPP: ASKED AND ANSWERED.

14 THE WITNESS: NO.

15 BY MR. BECKER:

16 Q. AND YOU'VE NEVER BEEN INFORMED THAT DAVID WAS
17 ACCUSED OF VIOLATING THE BUSINESS AND ETHICS POLICY?

18 MR. ZAPP: ASKED AND ANSWERED.

19 THE WITNESS: NO.

20 BY MR. BECKER:

21 Q. DO YOU KNOW WHY YOU WERE ASKED TO ATTEND THE
22 MEETING IN MAY OF 2010?

23 A. YES.

24 Q. WHAT WAS YOUR UNDERSTANDING?

25 MR. ZAPP: I'LL INSTRUCT YOU NOT TO GET INTO

1. Introduction
2. Methodology

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 CLARK BURGESS,
VOLUME I, PAGES 1 - 171
TAKEN ON FRIDAY, APRIL 15, 2011

REPORTED BY:
HEIDI SULLIVAN
CSR NO. 6600
FILE NO.: 11-131

1 Q. AND I'M ASSUMING YOU'VE SPOKEN TO JIM OR
2 CAMERON ABOUT THAT PROCESS RECENTLY?

3 A. YES.

4 Q. SO FOR THE SAKE OF TRYING TO HASTEN
5 TODAY'S DEPOSITION, I'M NOT GOING TO GO THROUGH THOSE
6 IF THAT'S ALL RIGHT WITH YOU.

7 A. THAT'S FINE.

8 Q. IF THERE ARE ANY QUESTIONS, JUST BE SURE
9 TO LET ME KNOW.

10 OKAY?

11 A. ALL RIGHT.

12 Q. ALL RIGHT. LET'S GET SOME BASIC FACTS
13 DOWN.

14 FIRST OF ALL, YOU ARE CURRENTLY RETIRED
15 FROM JPL; IS THAT CORRECT?

16 A. YES.

17 Q. AND WHAT WAS THE EFFECTIVE DATE OF
18 RETIREMENT?

19 A. OCTOBER 1, 2010.

20 Q. AND THAT WAS VOLUNTARY; RIGHT?

21 A. YES.

22 Q. WAS YOUR RETIREMENT BASED ON ANY FACTOR,
23 AGE, OR JUST AN INTEREST IN RETIRING.

24 OR WHAT WAS IT?

25 A. WELL, I WAS 70 AT THE TIME, AND I'D

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 WITH EACH OTHER FOR MORE THAN 20 YEARS?

2 A. NO.

3 Q. NOW. NOW, SOMETIME IN FIRST QUARTER 2010
4 DID YOU PARTICIPATE IN A MEETING WITH COUNSEL
5 CONCERNING THE LAWSUIT?

6 MR. ZAPP: WELL, OBJECTION. VAGUE AS TO
7 "CONCERNING THE LAWSUIT."

8 THE WITNESS: I PARTICIPATED IN A MEETING WITH
9 COUNSEL.

10 BY MR. BECKER:

11 Q. DO YOU RECALL SPECIFICALLY WHAT MONTH
12 THAT MEETING OCCURRED?

13 A. NO.

14 Q. DO YOU RECALL WHO ATTENDED THAT MEETING?

15 A. YES.

16 Q. WHO?

17 A. JIM WAS THERE. HIMA WAS THERE. DIANE
18 CONNER WAS THERE. SHERI CURTIS WAS THERE. A JPL, I
19 THINK, OGC MEMBER, A LAWYER BY THE NAME OF KAREN -- I
20 DON'T KNOW HER LAST NAME -- WAS THERE.

21 I THINK THAT'S ALL.

22 Q. RICHARD VAN WHY?

23 A. NO.

24 Q. GREG CHIN?

25 A. NO.

1 Q. CAB BURGESS?

2 A. NO.

3 Q. WHY WAS DIANE CONNER AT THAT MEETING?

4 A. I DON'T KNOW.

5 Q. DID YOU INVITE HER?

6 A. NO.

7 Q. WAS SHE INVITED BY COUNSEL?

8 MR. ZAPP: OBJECTION TO THE EXTENT IT CALLS
9 FOR SPECULATION.

10 THE WITNESS: I DON'T KNOW.

11 BY MR. BECKER:

12 Q. WAS THERE A SUBSEQUENT MEETING WITH
13 COUNSEL PRESENT REGARDING THE LAWSUIT?

14 MR. ZAPP: OBJECTION. VAGUE, "REGARDING THE
15 LAWSUIT."

16 THE WITNESS: THERE WAS A SUBSEQUENT MEETING
17 THAT I ATTENDED WITH COUNSEL.

18 BY MR. BECKER:

19 Q. WAS THAT MEETING PERTAINING TO THIS
20 LAWSUIT?

21 MR. ZAPP: OBJECTION. VAGUE AS TO "THE
22 LAWSUIT."

23 GO AHEAD.

24 THE WITNESS: THE MEETING WAS PROMPTED AS A
25 CONSEQUENCE OF THE LAWSUIT..

1 BY MR. BECKER:

2 Q. THE EARLIER MEETING WE WERE TALKING
3 ABOUT, WAS THAT PROMPTED AS A CONSEQUENCE OF THE
4 LAWSUIT AS WELL?

5 MR. ZAPP: SAME OBJECTIONS. VAGUE.
6 GO AHEAD.

7 THE WITNESS: YES.

8 BY MR. BECKER:

9 Q. AND THE SECOND MEETING ABOUT THE LAWSUIT,
10 DO YOU RECALL WHAT MONTH THAT OCCURRED?

11 A. NO.

12 Q. WHO ATTENDED IT?

13 A. JIM, HIMA, DIANE, RICHARD VAN WHY, KEVIN
14 KLENK, KAREN -- I THINK --

15 Q. KAREN?

16 A. YEAH, THE OTHER LAWYER. I DON'T KNOW HER
17 LAST NAME.

18 I THINK THAT'S ABOUT IT.

19 Q. DO YOU RECALL IF THAT MEETING WAS IN THE
20 FIRST HALF OF 2010?

21 A. I CAN'T BE SURE.

22 Q. WERE THERE ANY ADDITIONAL MEETINGS IN
23 2010 WITH COUNSEL REGARDING THE LAWSUIT?

24 MR. ZAPP: OBJECTION. VAGUE AS TO "REGARDING
25 THE LAWSUIT."

1 THESE MEETINGS WITH COUNSEL PRESENT REGARDING THIS
2 LAWSUIT, YOU UNDERSTAND THAT I'M ASKING YOU ABOUT
3 MEETINGS THAT ARE INTENDED TO DISCUSS ISSUES
4 PERTAINING TO THE LITIGATION.

5 IS THAT YOUR UNDERSTANDING?

6 A. YES.

7 Q. DID THESE THREE MEETINGS INVOLVE ANY
8 TOPICS THAT WERE NOT RELATED TO THE LITIGATION?

9 MR. ZAPP: WE'VE ALLOWED YOU TO GET INTO A
10 VERY GENERAL DISCUSSION ABOUT WHAT THE MEETINGS WERE.

11 I'LL LET HIM ANSWER THIS QUESTION, BUT
12 VERY GENERALLY.

13 DON'T GET INTO ANYTHING SPECIFICALLY
14 SAID.

15 BY MR. BECKER:

16 Q. IT'S A YES OR NO QUESTION.

17 A. NO.

18 Q. DID THE THREE MEETINGS THAT YOU REFERRED
19 TO HAVE ANYTHING TO DO WITH THE LAYOFFS?

20 MR. ZAPP: SAME OBJECTION.

21 THE WITNESS: YES.

22 BY MR. BECKER:

23 Q. ONE OR TWO OR ALL THREE?

24 A. I THINK ONLY THE FINAL ONE.

25 Q. DO YOU RECALL WHAT MONTH THAT FINAL