

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 **DAVID COPPEDGE**, an individual;

11 Plaintiff,

12 vs.

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

20 Defendants.

Case No. BC435600

DECLARATION OF WILLIAM J. BECKER, JR. RE: PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE #2; EXHIBITS

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

Trial Date: October 19, 2011

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

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

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 #2 for an order excluding testimony, evidence, argument and comment regarding
4 the content of DVDs Coppedge distributed to co-workers and films regarding alleged hostility
5 proponents of intelligent design have experienced.
6

7 3. Attached hereto and incorporated herein as Exhibit 1 is a true and correct copy of a
8 letter I sent to Jim Zapp, lead counsel for Defendant JPL, on December 1, 2009, explaining what
9 the DVD documentary "Expelled" was about. Apparently Mr. Zapp and his associates have nev-
10 er viewed the film because had they viewed it, they would have seen that it is anything but "co-
11 medic."
12

13 4. A copy of the DVD is being separately lodged with this opposition. I have personally
14 viewed it multiple times. "Expelled" 's opening montage features historical footage of the con-
15 struction of the Berlin Wall, depicting the division, isolation and despair caused by barriers to
16 freedom. Stein then introduces the theme of the film by paying homage to freedom as the es-
17 sence of America, including the freedoms of speech and religion. "We are losing our freedom in
18 one of the most important sectors of society – science," Stein proclaims in the film. "I have al-
19 ways assumed that scientists were free to ask any question, to pursue any line of inquiry, without
20 fear of reprisal. But recently, I've been alarmed to discover that this is not the case."
21

22 5. Throughout the documentary, Stein interviews various academicians and scien-
23 tists who lost jobs, tenure and entire careers by doubting evolutionary theory and supporting in-
24 telligent design. Stein documents evolutionary theory as the basis for experimentation in eugen-
25 ics and Hitler's policy of racial cleansing. He visits the Hadamar Euthanasia Center, a psychiat-
26 ric hospital used by the Nazis to perform mass sterilizations and mass murder of "undesirable"
27
28

1 members of Nazi society, specifically those with physical and mental disabilities. Stein laments
2 towards the end of the film that "We take freedom for granted here in the United States. Free-
3 dom is what this country is all about. And a huge part of freedom is freedom of inquiry. But
4 now I'm sorry to say freedom of inquiry in science is being suppressed."

5
6 6. Attached hereto and incorporated herein as Exhibit 2 is a true and correct copy of a
7 transcript of the April 13, 2009, meeting attended by my client and his supervisors at which time
8 they issued him a Written Warning and demoted him. I personally transcribed the audio generat-
9 ed by my client and certify that this transcription is faithful to the audio source and is a true and
10 accurate transcription thereof. I provided a copy of the complete transcript to opposing counsel
11 in late November 2011 for review. Counsel has never objected to its accuracy.

12
13 7. Attached hereto and incorporated herein as Exhibit 3 is a true and correct copy of ex-
14 cerpts from the deposition of Margaret Weisenfelder taken on 3/21/2011.

15
16 8. Attached hereto and incorporated herein as Exhibit 4 is a true and correct copy of a
17 written account of what occurred on 3/2/2009 by G.Chin produced by Defendant in this action.

18
19 9. Attached hereto and incorporated herein as Exhibit 5 is a true and correct copy of ex-
20 cerpts from the deposition of David Coppedge taken on 10/1/2010.

21
22 10. Attached hereto and incorporated herein as Exhibit 6 is a true and correct copy of
23 notes taken by J.Huntley from an interview with M.Weisenfelder on 3/19/2009 produced by De-
24 fendant in this action.

25
26 11. Attached hereto and incorporated herein as Exhibit 7 is a true and correct copy of the
27 Written Warning issued by JPL on D.Coppedge and produced by Defendant in this action.
28

1 12. Attached hereto and incorporated herein as Exhibit 8 is a true and correct copy of
2 notes taken by J.Huntley from an interview with G.Chin on 3/17/2009 produced by Defendant in
3 this action.

4 13. Attached hereto and incorporated herein as Exhibit 9 is a true and correct copy of ex-
5 cerpts from the deposition of Scott Edgington taken on 2/22/2011.

6
7 I declare under penalty of perjury, under the laws of the State of California, that the fore-
8 going is true and correct.

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

10
11
12 
13 William J. Becker, Jr., Declarant
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Deposition Exh. No.	Description
1	Letter from W.Becker to J.Zapp.
2	Excerpts from transcript of the April 13, 2009, meeting.
3	Excerpts from the deposition of Margaret Weisenfelder.
4	Written account by G.Chin.
5	Excerpts from the deposition of David Coppedge.
6	Interview notes of J.Huntley prepared at the interview of M.Weisenfelder.
7	Written Warning.
8	Interview notes of J.Huntley prepared at the interview of G.Chin.
9	Excerpts from deposition of Scott Edgington.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECRET

December 4, 2009

James A. Zapp, Esq.
PAUL HASTINGS
515 South Flower Street
Twenty-Fifth Floor
Los Angeles, CA 90071

Re: David F. Coppedge/Jet Propulsion Laboratory

Dear Jim:

Please find enclosed three DVDs. As I mentioned to you in our phone conversation of November 30, 2009, "Expelled" will introduce you to the controversy enveloping intelligent design theory. "Unlocking the Mysteries of Life" and "The Privileged Planet" were DVDs that David shared with friends and co-workers.

"Expelled" is an entertaining documentary exposing an irrational hostility toward Intelligent Design theory pervasive in academia and the scientific world. This would be a good film to watch first.

I recommend you view "Unlocking" before "Privileged Planet," because it explains the micro-biological rationale for the theory, how information is coded in DNA, how that code is transported to protein molecules, and how those molecules establish functions within cells. "Privileged Planet" explains the cosmological argument that the universe has been "fine-tuned" to enable life in a tiny precinct of the universe from which random factors would be an insufficient basis for understanding the existential nature of space, time, matter and life.

EX 1

THE BECKER LAW FIRM

James A. Zapp, Esq.
Paul Hastings
Re: Coppedge/Jet Propulsion Laboratory
December 4, 2009
2 | Page

You will note that there is not one iota of religious advocacy in the documentaries. Yet, as "Expelled" illustrates, people do come to the topic of Intelligent Design not merely with a narrow and false understanding, but with a level of hostility that defies rational explanation.

Very truly yours,

THE BECKER LAW FIRM

William J. Becker, Jr.

Encl.

WJB/gb

U.S. Extension: 327
R-1525 7701

1 with this; let me talk to you.' It would be better just to try to work towards the in-
2 clusive, welcoming work environment.

3 Coppedge: This particular DVD was about science, it was not about religion. You are wel-
4 come to watch it if you would like. I'd be glad to give you a copy and you can see
5 exactly what it was about. There's no way it can be construed as pushing you know
6 religion. And in fact it's a subject that is of great interest to everyone. Alright? In
7 fact one of the most popular films I like to give out has four JPL scientists in it
8 who were interviewed on lab with the full NASA cooperation with the producer.
9 OK? This is the kind of material we're talking about. And there was not a hint of
10 body language or speech or anything by this person that what I was doing was un-
11 welcome. She thanked me. She said that looks very interesting. She took it, and
12 left it on my desk, and there was no follow-up at all. That was the day where in the
13 afternoon Greg accused me of this. So what I ask you Kevin is, what protections
14 are you giving me to hear that my side of the story is the correct one, rather than
15 the testimony of these people that Jhertaune is saying? Now if you go up to some-
16 body and say, 'We're investigating Dave for possible harassing people; has he ev-
17 er...' you know I don't know how she posed the question. But you can ask leading
18 questions that may draw out a response you're looking for.

19 Klenk: We can speculate on all sorts of things. But in my experience ER has always han-
20 dled these sorts of things with discretion. They've done it, you know being above
21 board, trying to be professional about it. You know at some point I trust that
22 they've done the right thing. They try to give the employee leeway. They try to un-
23 derstand you know how the other people are feeling, and they try to write up a re-
24

25

EXTENSION 13 7
11-157-7710

1 DVD.

2 Q. WAS THERE SOMETHING ABOUT THE CONTENT
3 THAT MADE YOU FEEL THAT YOU WERE BEING TARGETED TO
4 CHANGE AN OPINION YOU MIGHT HOLD?

5 A. IT WAS NOT THE CONTENT OF THE DVD THAT
6 MADE ME FEEL TARGETED; IT WAS THE STICKY NOTE ON THE
7 BACK OF THE COVER.

8 Q. OKAY. DO YOU HAVE A VIEW ABOUT
9 INTELLIGENT DESIGN?

10 MS. FOX: I'LL OBJECT THAT IT'S VAGUE.

11 THE WITNESS: AS FAR AS THE IDEA THAT THERE
12 IS A DIVINE BEING BEHIND THE CREATION OF EVERYTHING,
13 I HAVE NO PROBLEM WITH THAT. AND THAT'S WHAT I
14 UNDERSTAND INTELLIGENT DESIGN, THAT THERE'S AN
15 INTELLIGENCE BEHIND THE DESIGN OF CREATION
16 EFFECTIVELY.

17 BY MR. BECKER:

18 Q. DO YOU RECALL ANYTHING WITHIN THE
19 DOCUMENTARY THAT MENTIONED THAT THE INTELLIGENT AGENT
20 BEHIND THE DESIGN OF ANYTHING -- THE DESIGN OF LIFE,
21 FOR INSTANCE -- IS GOD OR A DIVINITY OR A DIVINE
22 BEING?

23 A. I DON'T REMEMBER SPECIFICALLY. I DID
24 FAST-FORWARD THROUGH LARGE CHUNKS OF IT.

25 Q. DO YOU BELIEVE THAT THIS WAS A RELIGIOUS

1 DOCUMENTARY?

2 MS. FOX: OBJECTION. VAGUE AS TO "RELIGIOUS,
3 DOCUMENTARY" AND IMPROPER OPINION.

4 THE WITNESS: MY IMPRESSION, AFTER I HAD
5 WATCHED IT, WAS THAT IT WAS PROPOUNDING A PARTICULAR
6 VIEWPOINT.

7 BY MR. BECKER:

8 Q. A RELIGIOUS VIEWPOINT?

9 MS. FOX: SAME OBJECTION.

10 THE WITNESS: I BELIEVE SO.

11 BY MR. BECKER:

12 Q. A RELIGIOUS VIEWPOINT CONTRARY TO ANY
13 VIEWPOINT YOU HOLD?

14 MS. FOX: OBJECTION. VAGUE.

15 DO YOU UNDERSTAND THE QUESTION?

16 THE WITNESS: NO, NOT REALLY.

17 BY MR. BECKER:

18 Q. DO YOU BELIEVE THAT THE DOCUMENTARY
19 PROPOUNDED A RELIGIOUS VIEWPOINT CONTRARY TO ANY
20 VIEWPOINT YOU HOLD?

21 MS. FOX: I'LL OBJECT THAT IT'S VAGUE AND
22 OVERBROAD.

23 THE WITNESS: I BELIEVE THAT THERE IS A
24 DIVINE AGENT BEHIND THE CREATION OF EVERYTHING. I
25 DON'T KNOW THAT MY INTERPRETATION IS THE SAME AS WHAT

1 THE WITNESS: WHEN I SAW THE NOTE ON THE BACK
2 OF THE COVER WITH NAMES ON IT AND I SAW THE WORDS
3 "TRY AGAIN," MY INTERPRETATION WAS THAT IT WAS BEING
4 OFFERED TO PEOPLE AND "TRY AGAIN" MEANT THAT ANOTHER
5 ATTEMPT WAS MADE WHEN THE FIRST ATTEMPT WAS NOT
6 RECEIVED.

7 BY MR. BECKER:

8 Q. WHAT ABOUT THAT, THOUGH, DID YOU FEEL
9 WAS IMPROPER?

10 MS. FOX: I'M GOING TO OBJECT TO THE EXTENT
11 IT'S BEEN ASKED AND ANSWERED PREVIOUSLY.

12 THE WITNESS CAN ANSWER AGAIN.

13 THE WITNESS: COULD YOU READ THAT AGAIN TO
14 ME, PLEASE.

15 (RECORD READ.)

16 MS. FOX: AND ALSO VAGUE.

17 THE WITNESS: I DON'T THINK THAT IT'S
18 APPROPRIATE TO DISCUSS RELIGION OR POLITICS DURING
19 WORKING HOURS, AND I WAS NOT COMFORTABLE WITH THE
20 IDEA THAT THE DVD WAS BEING OFFERED AND THEN OFFERED
21 AGAIN.

22 BY MR. BECKER:

23 Q. DIDN'T YOU JUST TELL ME THAT YOU DIDN'T
24 FEEL -- LET ME STRIKE THAT.

25 YOU BELIEVE THAT THE DOCUMENTARY

1 PROPOUNDED A RELIGIOUS VIEWPOINT. THAT'S WHAT YOU,
2 SAID..

3 WHAT VIEWPOINT?

4 MS. FOX: OBJECTION. VAGUE.

5 THE WITNESS: WHATEVER ARGUMENTS WERE BEING
6 GIVEN IN FAVOR OF INTELLIGENT DESIGN, WHICH WAS THE
7 SUBJECT OF THE DVD..

8 BY MR. BECKER:

9 Q. I'M TRYING TO UNDERSTAND WHY YOU FEEL
10 THAT'S A RELIGIOUS VIEWPOINT, NOT A SCIENTIFIC
11 VIEWPOINT.

12 MS. FOX: I'LL OBJECT AS VAGUE TO "RELIGIOUS
13 VIEWPOINT" AND "SCIENTIFIC VIEWPOINT."

14 THE WITNESS CAN ANSWER TO THE EXTENT OF
15 HER KNOWLEDGE.

16 THE WITNESS: I'M REALLY NOT -- I'M NOT CLEAR
17 ON THE DISTINCTION. I'M NOT WELL VERSED IN THE IDEA
18 OF INTELLIGENT DESIGN. I'M NOT -- IT'S -- I'M NOT AN
19 EXPERT IN ANY OF THIS.

20 BY MR. BECKER:

21 Q. WELL, YOU CAN'T BE IF YOU SKIPPED
22 THROUGH PORTIONS OF IT, CAN YOU?

23 MS. FOX: OBJECTION. ARGUMENTATIVE.

24 BY MR. BECKER:

25 Q. SO THE QUESTION IS: WHAT ABOUT IT,

1 THE WITNESS: I DON'T REMEMBER SPECIFICALLY.
2 JUST GENERALLY MY IMPRESSION.

3 BY MR. BECKER:

4 Q. DO YOU REMEMBER ANY OF THE CONTENT OF
5 THE DVD APART FROM YOUR IMPRESSION?

6 A. NO.

7 Q. DO YOU REMEMBER ANY ANIMATION IN THE
8 DVD?

9 A. I REMEMBER SOME KIND OF A GENETIC --
10 LIKE GENES, SOME KIND OF MOVING ANIMATION.

11 Q. AND THAT'S ALL?

12 A. THAT'S THE ONLY THING I REMEMBER.

13 Q. YOU WENT TO GREG CHIN ON MARCH 2, 2009.
14 DO YOU RECALL THAT?

15 A. I REMEMBER GOING TO GREG CHIN. I DON'T
16 REMEMBER THE DATE.

17 Q. DO YOU RECALL HOW LONG AFTER YOU VIEWED
18 THE DVD THAT YOU WENT TO TALK TO GREG CHIN?

19 A. IT WAS THE NEXT WORKDAY. IT WAS EITHER
20 ONE OR TWO DAYS AFTER I HAD SEEN THE DVD.

21 Q. I'LL REPRESENT TO YOU THAT MARCH 2 WAS A
22 MONDAY.

23 DOES IT SOUND ABOUT RIGHT THAT YOU WOULD
24 HAVE BORROWED THE DVD ON FEBRUARY 27, A FRIDAY, AND
25 THEN GONE TO SEE GREG CHIN THE FOLLOWING MONDAY,

1 MARCH 2?

2 A. THAT SOUNDS REASONABLE.

3 Q. WHAT TIME DID YOU SEE GREG?

4 A. I DON'T REMEMBER.

5 Q. WAS IT THE MORNING, AFTERNOON, EVENING?

6 A. I THINK IT WAS IN THE MORNING. IT WAS
7 THE FIRST OPPORTUNITY I HAD.

8 Q. WHY DID YOU GO TO GREG CHIN?

9 A. BECAUSE I FELT UNCOMFORTABLE.

10 Q. DID YOU EXPECT GREG TO DO SOMETHING?

11 A. I EXPECTED GREG TO DO WHATEVER WAS
12 APPROPRIATE, AND I ALSO WENT TO HIM FOR ADVICE.

13 Q. DO YOU CONSIDER YOURSELF AN EXPERT IN --
14 BASED ON YOUR CERTIFICATION WITH TRUE COLORS, DO YOU
15 CONSIDER YOURSELF AN EXPERT IN PERSONAL
16 COMMUNICATION?

17 MS. FOX: OBJECTION. VAGUE AS TO EXPERT.

18 THE WITNESS: NO.

19 BY MR. BECKER:

20 Q. DO YOU CONSIDER YOURSELF EDUCATED IN
21 PERSONAL INTERCOMMUNICATION?

22 MS. FOX: OBJECTION. VAGUE AS TO "EDUCATED."

23 THE WITNESS: I'VE HAD TRAINING IN ONE
24 COMMUNICATION COURSE.

25 ///

Employee Relations

▽ David Coppedge


▽ 3/2/09

- ⊙ approx 8 AM, employee MW came to my office to express a concern about being "harassed" by David -- his belief in Intelligent Design and Support for Prop. 8. I advised employee to tell Dave that they're not interested in hearing about his belief and leave it at that. However, if he continued, I would need to know...so that I can talk to him. The employee also said that Dave had a "list" of individuals with whom he desired to "talk" to...or follow-up with....
- ⊙ Approx 3:30 PM, I talked to Dave about his personal beliefs and advised him that he should be careful. He should not attempt to advocate his beliefs or question the beliefs of others. He responded that he felt that he was being singled out...and requested that I tell him the names of his "accusers." I refused...but told him that he needs to be careful and that this type of discussion is appropriate in certain setting (i.e., a JPL Bible Study group or where an individual requests an opinion).

I informed him that Intelligent Design (ID) is a personal belief that should be kept to himself unless invited by other to discuss. Dave also wanted to know why he was being singled out...and that another employee (VB) happens to have a Muslim quote on their e-mail...and why I did not discuss with them...about not pursuing their personal beliefs. I said that if you're offend...and complaining to me about the phrase, then I would go talk to the individual. I informed him that he was not being singled out...as I have a complaint alleging that he is harrassing people with his ideology.

He then want to know..."what is science?" And...what is SETI? He then felt that we were protecting "evolution" as a "protected religion" and cited that our press releases promoted evolution. I said that evolution is currently viewed as the scientific basis of how things evolve...he then insisted that ID is consistent with that thought. I reminded him not to discuss this issue any further. He then challenged me to a debate on Intelligent Design off Lab. I told him no. I told him...this topic is not for further discussion. He objected. I then told him...that if pursues this line of thought (wanting to discuss ID with individuals...who have already said that they're not interesting in hearing), that his employment options here would be severely limited (my thinking...he's bordering insubordination). He then told me that he felt that I was threatening him...and creating a "hostile work environment". I informed him that if he felt that, please go ahead and file a complaint with his supervisor.

I then went to disclose this interaction with his current supervisor (Clark Burgess) and the Cassini Program's AA (Carmen Vetter). I have also left a phone message on the Employee Relations (x4-7506) phone line...requesting assistance and to document this exchange. I have also called (and left a message describing the above) with Whitney Haggins, Section 17x AA. I have since talked directly with Whitney who says that she is informing Kevin Klenk (Section 173 Manager) and her HR representative. I've also called my Line Management organization (Mario Mora) and left a message about the situation.

- ⊙ 5/15/09 -- Haven't written for a while.... David Coppedge was removed from his Lead SA position about a month ago...and Nick Patel has been reassigned to do this function. Had a long talk with Dave regarding perceptions...and how we can improve.
- ⊙ 5/15/09 -- During today's staff meeting. Dave was using his cell phone camera to take pictures of the "cartoons" I used on the screen. See attached. Don't believe that any of these advocate one position or another....just making light of current politics. Generally, I try to weave a perspective of what's going on ... outside...with what goes on ... inside. 

EX4

000000176

100-100000-1000
100-100000-1000

100-100000-1000

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
Friday, October 1, 2010
Volume II

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

1 being rebuffed.

2 Q And at some point did Mr. Chin make any
3 statement to the effect that if you continued to
4 talk about intelligent design or other beliefs with
5 people who have already said they're not interested,
6 that that could have some limitation on your future
7 employment opportunities?

8 MR. BECKER: Assumes facts in evidence,
9 lacks foundation, argumentative.

10 THE WITNESS: I stated exactly what I
11 recalled he remembered, that he looked me in the eye
12 and said, "You are not to talk about religion or
13 politics with anyone in this office, or it will be
14 difficult for you to maintain employment in this
15 organization."

16 Q BY MR. ZAPP: And did you ask him what he
17 meant by that?

18 A I said this --

19 Q No, did you ask him what he meant?

20 A I don't recall asking him that question at
21 that time.

22 Q What did you understand him to mean?

23 A I understand him -- understood him to mean
24 that I -- he was taking away my rights of free
25 speech and free expression.

100-100-100-100
100-100-100-100

3.19.2009 Mtg w/ Margaret Weisenfelder re: David Coppidge issue.

- Margaret stated that she is an ordained minister (Christian) but would never let David Coppidge know. She has worked w/ David about 5 yrs but has know him for 7 to 8 yrs.
- Margaret stated that she has experienced 2 uncomfortable incidents w/ David. The first occurred the day before the Presidential election/ Prop 8 vote. David approached Margaret and asked if he could talk to her about Prop 8. Margaret stated that she was thinking while being asked this question by David, that she ^{probably should} ~~should~~ not talk about political issues during wrk hrs. David proceeded to tell Margaret his viewpoint on ~~the~~ Prop 8 and then asked for her opinion. Margaret stated to David that she did not agree w/ his viewpoint & did not want to discuss the issue w/ him because he was so persistent. Margaret said that David's approach was, "Can I talk to you about Prop 8?" then had a Prop 8 paper in his hand. The second incident occurred about 2 wks ago (before the 4 day holiday wknd) after lunch. David approached Margaret and asked her if she wanted to borrow a DVD called "Unlocking the Mysteries of Life". She took it home and watched it and noticed a sticky on the back of the DVD w/ JPL ee's names on it. The sticky note had the words "Try Again" by some of the names. The only name she recognized was Patel. Margaret did not want to get into a discussion w/ David about the DVD so she waited until he was not

in his wrk space to place it on his chair. David did not approach her to discuss the DVD after she returned it. Margaret went to Greg Chin to discuss the DVD issue and told him that she was feeling uncomfortable about David approaching her re: watching the Intelligent Design DVD and talking about her stance on Prop 8. She further expressed to Greg that she does not want to deal w/ him re: these type of issues. Greg responded to Margaret, stating that he would look into it and to let him know if ^(David's) his behavior continues to be a problem for her. Since that time Margaret has had no other encounters w/ David.

- Margaret further states that David is nice but she feels that he is stepping over the line by discussing religion & politics in the wrkplace. Margaret then reminds me that she is an ordained minister (Christian) and feels his behavior is inappropriate

10-10-1946
10-5J-773

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 Jhertane 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."

EX7

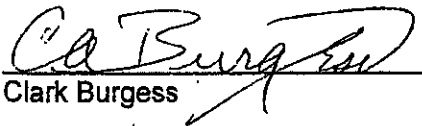
000000220

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)

D000000221

W. G. Dimensions 1979
810 534-7713

Mtg w/ Greg Chin 3.17.09 re: David Coppedge complaint

- Greg stated that prior to his mtg w/ David on ~~3.2.2009~~ 3.2.2009, Margaret Wisenfield came to his office and stated that David Coppedge was harassing her about personal choices in life and she did not know what to do. Margaret stated that David would try to talk to her about religion & politics as if relates to Proposition 8. She ~~had~~ ^{found} him to be very persistent, asking was there anything he could do to change her mind because they don't share ^{the same} opinion on religion & some political issues. Greg did not know when & where David would approach Margaret about these issues.
- ~~Greg mentioned the issue to Carmen Vetter and she mentioned~~
- Greg mentioned Margaret Wisenfield's complaint about David to Carmen Vetter on 3.2.2009 as well. Carmen replied that she and Scott Edington had been bothered by David ~~and~~ ^{and} related to his religious beliefs. She was not surprised by Margaret's complaint.
- Greg also stated that David had previously tried to get him (Greg) to believe in his religion during work hours. David had left religious material (ie. DVD) in Greg's Inbox.
- Greg states that he is tired of all of the complaints re: David harassing people w/ his religious viewpoints during business hours.

10/10/1979
610 511 7 33

1 MS. FOX: OBJECTION. VAGUE AS TO "MEETINGS."

2 MR. BECKER: PEOPLE GETTING TOGETHER. I DO
3 SPEAK ENGLISH BUT --

4 THE WITNESS: NO, I DO NOT RECALL HAVING A
5 FURTHER CONVERSATION ABOUT IT.

6 BY MR. BECKER:

7 Q. OKAY. WHAT IS YOUR UNDERSTANDING OF WHAT
8 INTELLIGENT DESIGN IS?

9 A. MY UNDERSTANDING IS THAT IT IS AN ATTEMPT
10 TO FORM -- TO REFORM CREATIONISM INTO A SCIENCE, AND
11 YET IT DOES NOT MEET THE STANDARDS OF SCIENCE OR
12 CRITERIA FOR SOMETHING BEING A SCIENCE, AND IT DOES
13 NOT MEET THOSE CRITERIA.

14 Q. ON WHAT BASIS DID YOU FORM THAT OPINION?

15 A. WELL, I'M A SCIENTIST. I DEAL WITH
16 SCIENCE AS A LIVING. I'VE TAKEN MANY PHILOSOPHY
17 CLASSES AS AN UNDERGRAD WHERE -- ESPECIALLY PHILOSOPHY
18 OF SCIENCE CLASSES.

19 SO AS A PROFESSION, I DO NOT AGREE THAT
20 IT IS A SCIENCE AT ALL.

21 Q. HOW MUCH RESEARCH HAVE YOU DONE INTO
22 STUDYING THE THEORY OF INTELLIGENT DESIGN?

23 A. NONE. IT IS NOT A THEORY.

24 Q. IT'S WHAT?

25 A. IT IS NOT A THEORY.

1 Q. WHAT DO YOU BELIEVE IT TO BE?

2 A. IT'S A RELIGIOUS BELIEF.

3 Q. IF YOU'VE NEVER READ ANY BOOKS OR -- LET
4 ME ASK YOU THIS PRELIMINARILY.

5 HAVE YOU READ ANY LITERATURE FROM
6 PROPONENTS OF INTELLIGENT DESIGN?

7 A. NO, I HAVE NOT.

8 Q. HAVE YOU READ ANY PEER-REVIEWED ARTICLES
9 ABOUT INTELLIGENT DESIGN THAT SUPPORTS IT?

10 A. I HAVE NOT.

11 Q. ARE YOU AWARE OF THE FACT THAT THERE IS
12 PEER-REVIEWED LITERATURE SUPPORTING INTELLIGENT DESIGN
13 THEORIES?

14 A. IT DEPENDS ON WHO THOSE PEERS ARE OR WHAT
15 THOSE JOURNALS ARE.

16 Q. ARE YOU AWARE THAT DARWIN'S ORIGIN OF THE
17 SPECIES WAS NOT PEER REVIEWED?

18 A. YES.

19 Q. SO IT ALWAYS DEPENDS ON WHO IS SUPPORTING
20 THE PARTICULAR VIEWPOINT, DOESN'T IT?

21 MS. FOX: OBJECTION. VAGUE. OVERBROAD.

22 THE WITNESS: NO, IT DOES NOT. SCIENCE IS
23 TESTABLE, AND YOU CAN MAKE PREDICTIONS FROM THAT. YOU
24 CANNOT DO THAT WITH INTELLIGENT DESIGN.

25 ///

1 CHURCH?

2 A. IT WOULD HAVE BEEN A WEDDING.

3 Q. A WEDDING?

4 A. IT WOULD HAVE BEEN A WEDDING A FEW YEARS
5 AGO.

6 Q. DID YOU EVER ATTEND CHURCH ON A REGULAR
7 BASIS?

8 A. YES, I USED TO.

9 Q. WHEN DID YOU CEASE DOING THAT?

10 A. WHEN I WENT TO GRADUATE SCHOOL.

11 Q. GRAD SCHOOL IS ALWAYS WHAT DOES IT.

12 DID DAVID EVER TALK TO YOU ABOUT HIS

13 RELIGIOUS FAITH?

14 A. NO.

15 Q. NEVER CAME UP AT ALL?

16 A. NO.

17 MR. BECKER: WHAT WAS THE LAST EXHIBIT? 26?

18 LET'S MARK EXHIBIT 27. THAT IS A
19 DOCUMENT WITH BATES STAMPED NO. DEFENDANT 93,
20 PURPORTING TO BE JHERTAUNE HUNTLEY'S NOTES TAKEN FROM
21 HER MEETING WITH YOU ON MARCH 20, 2009.

22 TAKE A MINUTE TO LOOK AT IT.

23 (THE ABOVE-MENTIONED DOCUMENT WAS MARKED
24 FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND
25 REPORTER AND ATTACHED HERETO.)

1 THE WITNESS: I KNOW CERTAIN CHRISTIANS HAVE
2 PROBLEMS WITH THAT, AND THEY DO BASE THEIR ARGUMENTS
3 ON THE SCRIPTURE, THEIR INTERPRETATION OF THE
4 SCRIPTURE.

5 BY MR. BECKER:

6 Q. DID YOU KNOW AT THE TIME OF THIS MEETING
7 OR THIS ENCOUNTER WITH DAVID THAT DAVID HAD VERY
8 SINCERE CHRISTIAN BELIEFS?

9 MS. FOX: OBJECTION. VAGUE AS TO "VERY
10 SINCERE."

11 THE WITNESS: I DID NOT KNOW OF ANY OF DAVE'S
12 PERSONAL OR RELIGIOUS BELIEFS AT ALL.

13 BY MR. BECKER:

14 Q. DO YOU BELIEVE THAT PEOPLE OPPOSED TO GAY
15 MARRIAGE WHO HAVE SINCERE RELIGIOUS BELIEFS HAVE A
16 RIGHT TO EXPRESS THOSE BELIEFS?

17 MS. FOX: OBJECTION. VAGUE. IMPROPER
18 OPINION. OVERBROAD.

19 THE WITNESS: EVERYONE COULD HAVE A BELIEF,
20 AND THEY COULD STATE IT IF THEY WISH.

21 BY MR. BECKER:

22 Q. DO YOU BELIEVE CHRISTIANS HAVE CIVIL
23 RIGHTS?

24 MS. FOX: OBJECTION. VAGUE. ARGUMENTATIVE.

25 THE WITNESS: EVERYONE HAS CIVIL RIGHTS.