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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

DEC 27 2011

John A. ... Clerk
 By GLORIETTA ROBINSON Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

DAVID COPPEDGE, an Individual,

Plaintiff,

vs.

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.

CASE NO. BC 435600

REPLY ON MOTION *IN LIMINE* #7

**DEFENDANT CALIFORNIA INSTITUTE
 OF TECHNOLOGY'S REPLY IN
 SUPPORT OF MOTION *IN LIMINE* #7
 ("DML 7") FOR AN ORDER EXCLUDING
 PLAINTIFF'S SUBJECTIVE OPINION OF
 HIS OWN JOB PERFORMANCE;
 DECLARATION OF CAMERON W. FOX**

FSC Date: February 24, 2012
 Time: 9:00 a.m.
 Place: Department 54
 Judge: Hon. Ernest M. Hiroshige

Trial Date: March 7, 2012

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Coppedge missed the point of Caltech's Motion entirely. His Opposition does not even
4 address the category of evidence Caltech seeks to exclude: Coppedge's conclusory opinions
5 about his overall job performance, such as contending (as he did in deposition and in opposing
6 Caltech's summary judgment motion) that he was "the best SA," "the most qualified SA," or that
7 "nobody worked harder to be a better employee and a better -- provide better service to the
8 customers than [he did]."¹ Caltech has shown that these types of self-serving conclusions lack
9 foundation, are irrelevant to what motivated the decision makers in this case, and run a substantial
10 risk of confusing the jury.

11 Coppedge instead argues he should be allowed to present two *other* types of evidence not
12 at issue in this motion: (1) *facts* regarding his employment, such as how long he worked as a
13 Cassini SA and the tasks on which he trained other Cassini SAs, and (2) opinions regarding what
14 "he believes drove JPL's disciplinary decisions" and "his opinions about why he was demoted
15 and disciplined." Opp'n at 3:24-25, 4:4-5. Neither argument has anything to do with this Motion,
16 and neither supports the admissibility of Coppedge's conclusory statements of his overall
17 performance. With respect to (1), Caltech does not seek to exclude Coppedge's factual
18 testimony about his tenure, job duties, experience and the like. As for (2), which seeks to permit
19 Coppedge to testify as to the ultimate issues in the case, such testimony should be barred for all of
20 the reasons stated in Caltech's Motion in *Limine* No. 8.

21 Coppedge also uses his Opposition for an additional, equally meritless, purpose: he asks
22 the Court to block Caltech from presenting relevant evidence of others' dissatisfaction with his
23 work -- having failed to bring a motion *in limine* on the topic. Worse, in making the argument, he
24 blatantly misstates the record. The Court should reject this improper and baseless request.

25
26 ¹ See, e.g., Deposition of David Coppedge at 207:11-15, 387:11-15, 552:11-23, attached to the
27 accompanying Declaration of Cameron W. Fox at Exhibit A. See also Coppedge Deposition at
28 883:4-12 ("Q. . . . [I]n which areas did you feel you were the best qualified SA? A. I would
characterize it as the sum total of a number of areas which added up to a collective technical
capability that should have qualified me as the best qualified to remain on."), 874:19-875:11,
attached to Declaration of Cameron W. Fox in support of Caltech's moving papers.

1 **II. DISCUSSION**

2 **A. Coppedge's Self-Serving Conclusory Opinions Of His Overall Job**
3 **Performance Are Irrelevant, Speculative, And Barred By Evidence Code**
4 **Section 352.**

5 Coppedge's opinions of his *overall* job performance – that he was a “great” SA, or that
6 “nobody worked harder [than he]” – are merely subjective, self-serving conclusions that have no
7 relevance to this case. How Coppedge thinks he performed at Caltech has no bearing on his
8 actual job performance in the eyes of the internal customers for whom he provided services or the
9 managers who (in making employment decisions) relied upon their own observations of his
10 performance as well as the feedback they received from those customers regarding Coppedge's
11 performance. Accordingly, Coppedge's own conclusions about his performance are irrelevant
12 under Evidence Code Sections 210 and 350.

13 These opinions are also baseless speculation, likely to confuse the jury. After all,
14 Coppedge cannot have personal knowledge of the true opinions of his customers and managers.
15 And if he is permitted to testify to his own self-interested perception of their opinion, it will just
16 confuse the jury as to the actual opinions and rankings on which Caltech's layoff process was
17 based. Thus, Coppedge's subjective conclusions regarding his overall job performance are
18 likewise barred by Evidence Code Sections 702 and 352. Coppedge's Opposition does not
19 challenge any of these realities and raises no argument in support of the admissibility of this
20 evidence at trial.²

21 **B. Coppedge's Opposition Addresses Unrelated Issues That Do Not Affect This**
22 **Motion.**

23 Instead of responding to Caltech's actual Motion, Coppedge spends the first half of his
24 Opposition arguing that he should be allowed to testify to facts regarding his employment as an
25 SA, such as the length of his employment, tasks on which he trained other SAs, and his

26 ² Coppedge does, however, waste an inexplicable amount of ink challenging Caltech's assertion
27 that it is the motivation of the decision makers, not Coppedge's own evaluation of his
28 performance, that is the relevant inquiry in this case. Coppedge's protests on this issue are just
noise. This is a religious discrimination and retaliation case. There can be no rational debate that
the key relevant question at trial will be whether the decision makers made their decisions
because of discriminatory animus. Coppedge's citation to cases such as *Flait v. North American*
Watch Corporation, 3 Cal. App. 4th 467, 479 (1992), for the general proposition that pretext can
be inferred, is inapposite and unhelpful.

1 experience in performing certain work duties. Of course Coppedge may testify to those matters –
2 they are *facts* (not opinions) of which he has personal knowledge and which are relevant to
3 establishing his employment and work experience at Caltech.

4 Coppedge spends the second half of his Opposition arguing his position on an entirely
5 separate motion in *limine*: that he should be permitted to opine on the reasons *he believes* he was
6 disciplined and laid off (i.e., that he believes the decisions were “discriminatory” and
7 “retaliatory”), which are ultimate legal issues in the case. Of course Coppedge may not do so, for
8 all of the reasons described in Caltech’s Motion in Limine No. 8. Caltech incorporates by
9 reference (and refers the Court to) the briefs for that motion, rather than repeating all of the same
10 arguments here. In any event, Coppedge’s discussion of that totally separate issue is irrelevant to
11 this Motion.

12 C. **Coppedge’s Request to Bar Caltech from Presenting Evidence of His Job**
13 **Performance From Witnesses Whose Feedback The Decision Makers Relied**
On Is Legally Baseless And Procedurally Improper.

14 At the end of his Opposition brief, Coppedge attempts a disturbing sleight of hand that
15 misrepresents the record, lacks legal support, and flouts procedure, all in an improper effort to
16 suppress highly relevant evidence that JPL employees were dissatisfied with his work.

17 First, Coppedge mischaracterizes Caltech’s position that the opinions of the layoff
18 decision makers are relevant, by suggesting that Caltech meant that *only* those opinions are
19 relevant. Citing nothing, Coppedge contends:

20 Coppedge agrees with JPL that only its layoff decision-makers
21 witnesses [sic] should be permitted to testify regarding the reasons
22 for Coppedge’s layoff. The opinions and mental states of
23 employees who were not directly involved in making the decision
24 to terminate Coppedge are irrelevant.

25 Opp’n at 4:12-15. The record shows that this is a totally false account of Caltech’s position. As
26 Caltech’s Motion for Summary Judgment (filed July 1, 2011) makes clear, Caltech considers the
27 perspective of those who worked with Coppedge relevant. *Id.* at 3 (“Chin received complaints
28 from as many as twenty-five individuals about Coppedge, including his uncooperative attitude
and poor interpersonal skills.”) (record citations omitted). When Coppedge challenged evidence

1 of this kind in his Objections to Evidence, filed concurrently with his Opposition to the Motion
2 for Summary Judgment, Caltech filed a response, confirming that such evidence is both relevant
3 and admissible. See Caltech's Reply To Plaintiff's Objections To Evidence In Support Of
4 Caltech's Motion For Summary Judgment Or, In The Alternative, Summary Adjudication Of
5 Issues.

6 Second, Caltech never would have agreed with Coppedge on this point, because
7 Coppedge is wrong. Evidence regarding the opinions of those who worked with him is highly
8 relevant, even if those individuals did not participate directly in the employment decision in
9 question. Decision makers do not operate in a vacuum. Here, the decision makers properly relied
10 upon the observations of internal JPL customers regarding Coppedge's performance, as well as
11 their own observations of his performance, when making the decisions to remove his lead
12 activities and to select him (and another SA) for layoff following the Cassini budget reduction.
13 This evidence is not only relevant, but otherwise admissible as well, as non-hearsay evidence that
14 goes to the state of mind and motivations of the decision makers. See Evidence Code section
15 1200(a) (defining hearsay as that which "is offered to prove the truth of the matter stated");
16 Wegner, et al., *Cal. Prac. Guide Civ. Trials & Ev.* (The Rutter Group) at ¶ 8:1049 ("An out-of-
17 court statement is not hearsay if offered to show the *effect* on the hearer ... e.g., that a party had
18 prior *notice* or *knowledge*; that a party was given a *warning*; or to prove a party's *motive*, *good*
19 *faith*, *fear*, etc. ...") (emphasis in original)³ And, since it is clear that Coppedge intends to
20 challenge the credibility of the decision makers, the other witnesses' testimony also constitute
21 admissible prior consistent statements that show a clear pattern of work-performance-based
22 dissatisfaction with Coppedge for several years preceding the events in this case. See California
23 Code of Civil Procedure Section 1236. Given this, there can be no legitimate dispute that these
24 witnesses' testimony, upon which the decision makers relied, is relevant and admissible.⁴

25 ³ *Id.* (citing *Rufo v. Simpson*, 86 Cal. App. 4th 573, 591-592, (2001); *Hickman v. Arons*, 187 Cal.
26 App. 2d 167, 171 (1960); *First Western Bank & Trust Co. v. Omizzolo*, 176 Cal. App. 2d 555,
563 (1959)).

27 ⁴ To the extent that Coppedge's argument could be viewed as suggesting that Caltech's evidence
28 on state of mind should be limited to the layoff decision, it must likewise be rejected. Evidence
showing the motivations for all of the decisions at issue in the case (not just the layoff) is
relevant. Thus, the opinions and mental states of those who informed and made the decisions to

1 Next, building on these misrepresentations and with complete disregard for procedure,
2 Coppedge inserts what amounts to a motion *in limine* in the Conclusion section of his Opposition,
3 asking that the Court “bar JPL, its counsel and witnesses (other than layoff decision-makers) from
4 introducing testimony, evidence, argument or comment pertaining to their subjective opinions
5 concerning Coppedge’s job performance.” Opp’n at 4:18-21. This request is completely lacking
6 in merit – the evidence is plainly relevant, as discussed above – and completely improper.
7 Motions *in limine* in this Court are governed by the California Rules of Court (3.1112(f)), the Los
8 Angeles County Superior Court Local Rules (3.25(h)(2); 3.57), and the rules of this Department.
9 None of these rules permit Coppedge to include an affirmative request to exclude evidence in an
10 opposition to a motion *in limine*. In fact, these rules confirm that Coppedge’s request is defective
11 and must be denied: he did not discuss the subject in advance with Caltech’s counsel, as required
12 (LASC Rule 3.57(a)(2)); he did not include the required declaration (*Id.* 3.57(a)); and he did not
13 comply with the formatting and procedural requirements of this Department. Even if his request
14 were otherwise compliant (it is not), the Court should deny it as untimely; the parties had agreed
15 to file motions *in limine* by November 30, 2011, meaning this request (contained in Coppedge’s
16 Opposition, filed on December 14, 2011) came more than two weeks late.

17 **III. CONCLUSION**

18 For the foregoing reasons, Caltech respectfully requests that the Court grant its motion *in*
19 *limine*, and bar Coppedge, his counsel and witnesses from introducing testimony,
20 evidence, argument, or comment pertaining to Plaintiff’s subjective conclusory opinions of his
21 overall job performance. Caltech also respectfully requests that the Court deny Coppedge’s post-
22 hoc request for an order barring Caltech from offering evidence from witnesses other than the
23 layoff decision makers concerning Coppedge’s job performance.

24
25
26
27
28 discipline him and remove his informal “lead” designation – both decision makers and those who
worked with Coppedge – are relevant as well.

1 DATED: December 27, 2011

2 PAUL HASTINGS LLP
3 JAMES A. ZAPP
4 CAMERON W. FOX
5 MELINDA A. GORDON

6 By: _____

Cameron W Fox

CAMERON W. FOX

7 Attorneys for Defendant
8 CALIFORNIA INSTITUTE OF TECHNOLOGY
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12/27/2011

DECLARATION OF CAMERON W. FOX

I, Cameron W. Fox, declare:

1. I am an attorney at law duly admitted to practice before this Court and all of the courts of the State of California. I am an associate with the law firm of Paul Hastings LLP ("Paul Hastings"), counsel of record for the California Institute of Technology ("Caltech") in this action. I have personal knowledge of the facts contained in this Declaration, or know of such facts by my review of the files maintained by Paul Hastings in the normal course of its business, and if called as a witness, could and would testify as to their accuracy.

2. This Declaration is submitted in support of Defendant's Reply In Support Of Motion *In Limine* For An Order Excluding Plaintiff's Subjective Opinion of His Own Job Performance ("Motion").

3. Attached hereto as **Exhibit A** are true and correct copies of excerpts from Days One, Two, and Three of the deposition of David Coppedge, taken on September 30, 2010, October 1, 2010, and October 22, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 27th day of December, 2011, at Los Angeles, California.


CAMERON W. FOX

12/27/2011

EX.A

EXHIBIT A

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

DAVID COPPEDGE, an Individual,)	CASE NO. BC 435600
)	
Plaintiff,)	
)	
vs.)	
)	
JET PROPULSION LABORATORY,)	
form unknown; CALIFORNIA)	
INSTITUTE OF TECHNOLOGY, form)	
unknown; GREGORY CHIN, an)	
Individual; CLARK A. BURGESS,)	
an Individual; KEVEIN KLENK,)	
an Individual; and DOES 1)	
through 25, inclusive,)	
)	
Defendants.)	

DEPOSITION OF DAVID COPPEDGE

SEPTEMBER 30, 2010

VOLUME 1

(Pages 1 through 256)

REPORTED BY:

Deborah R. Meyers
CSR No. 8569

HOMAN ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
4287 JACKSON AVENUE
CULVER CITY, CALIFORNIA 90232
(310) 838-7734

EXA

12/27/2011

15:48:32 1 Q BY MR. ZAPP: Well, I'm done for now.

15:48:35 2 MR. BECKER: Did you want to say something?

15:48:36 3 THE WITNESS: Well, yeah, I was going to

15:48:39 4 add just that I felt it's a shame that these

15:48:41 5 individuals, these fine men, have to be drawn into

15:48:43 6 this because this is not about them. It's about my

15:48:48 7 freedom to share my sincerely held beliefs on

15:48:51 8 intelligent design with coworkers without being

15:48:53 9 singled out and, I feel, harassed and retaliated

15:48:57 10 against for doing so.

15:48:58 11 And I understand the questioning. It's

15:49:01 12 intended to try to make me look bad. But I can

15:49:07 13 assure you that nobody has worked harder trying to

15:49:10 14 be a better employee and a better -- provide better

15:49:13 15 service to the customers than I have. And --

15:49:16 16 Q BY MR. ZAPP: Well, let me just say there's

15:49:18 17 not a point in getting into a debate. I'm not

15:49:21 18 trying to make you look bad, Mr. Coppedge, but I am

15:49:23 19 trying to identify facts of things that occurred.

15:49:25 20 And so --

15:49:29 21 A And I'm sharing facts of how I responded to

15:49:32 22 the things that occurred.

15:49:33 23 Q I understand.

15:49:35 24 A And I have notes to that effect to support

15:49:36 25 it.

PAGE/LINE	ORIGINAL	CHANGE TO:
23:20	Yeah.	Yes.
29:18	center	synod
51:5	Infotech	Infotec
67:7-8	I think it's the belief that there is a creator rather than things happening on their own.	Creation simply means that the universe was created by a Creator; usually assumed to be God.
67:22-25	I think that there -- that creationism, as you would call it, is a subset. It's one answer to the question of the designing intelligence, whereas intelligent design itself is	No. Intelligent design does not depend on a belief in a creator to arrive at its scientific conclusions.
68:13-15	It means that there is a designing intelligence, a creator, as opposed to things happening without a designing intelligence.	Creation per se just means a Creator created the universe.
68:17-19	Intelligent design does not answer that question, but Biblical creationism would identify the designing intelligence as God.	Yes, creationism usually posits God as the Creator. In most uses of the term these days, creationism refers to the belief that the God of the Bible created the world according to the account in the book of Genesis. Intelligent design is restricted to inferring design, not the designer, using the methods of science. Creationism is concerned with proving that the designer is God.
69:23-24	There are certainly non-Christians and nonreligious people who consider it a valid, scientific question.	I misunderstood the question, which upon re-reading, makes no sense. Creation implies a Creator. I am unaware of anyone teaching that creation occurred without a creator; that would be illogical.
70:5-7	It's not focused on the identity of the intelligence but just the effects of design, whether they are discernible or not.	Upon re-reading, this question makes no sense, either. An intelligent source is a creator by definition. If you are asking whether ID teaches the intelligent source is God, then the answer is no; intelligent design doesn't teach any such thing; because that's outside its domain. That question is left to philosophers and theologians.

70:7 cont.		Intelligent design is a scientific theory, focused not on the identity of the designer but on the evidence for design, whether it is detectable or not using well-tested methods of science and mathematics and logical inference. Those same methods are routinely used in other scientific fields, like archaeology, information theory, and genetics. Even lawyers rely on it! They use the same methods to decide if a body died of natural causes or was murdered. See? Some designers can be evil, but intelligent design theory doesn't get into the nature of the intelligent source, interesting as that question might be, because it's focused on the evidence, not the person. In the same way, investigators gather clues from a crime scene, and the coroner makes a determination between chance, natural law, or murder. It's up to others to figure out the motives and purposes of the murderer—an evil designer in this case. This shows it's possible to use intelligent design theory without getting into questions about God.
71:15 .	Production	Productions
71:21 .	honorary	honoraria
73:23 .	I don't want to speculate.	For 2009, gross revenue reported was \$2302.
82:15 .	the. This	this .
92:6 .	Ken	Cab
97:23 .	I	I've
98:18 .	There's	There are
98:24 .	persons. And	persons, and
117:8 .	what I was being accused of.	that I had been accused of anything.
118:8 .	Yeah	Yes
119:10 .	Yeah	Yes
132:21	Yeah.	Yes.
133:9 .	Yeah	Yes
134:18-25 .	I didn't believe it was -- that what I was saying was religious. But apparently they did. And if they did, then they had a right to accommodate and protect that. But they were -- you know, they were saying I was pushing religion. Well, if that's what their argument is, then I should be able to, you known, defend my right to be able to discuss that.	Yes. I did not believe what I was doing in handing out DVDs on intelligent design constituted religious activity, but apparently Greg Chin did. But rather than respecting my free speech and accommodating what he deemed to be religion, he gave me a blanket order to shut up or be fired.
138:23 .	of that	from that

139:3	Yeah	Yes
142:19	think the only thing that makes sense is about my	think the only thing that explains that tension is my
142:24-143:1	No, but you certainly get the impression when many suggestions you give are kind of given the "yeah, but" response.	No, but ever since I had shared a DVD with him early on in our acquaintance, I felt he was less friendly with me than with others, and tended to find fault with my ideas and suggestions.
144:4	But I--and I	But I
150:15	how they both, you know, contrary to their -- to the	how, contrary to the
150:16	contrary to their -- our	contrary to our
150:22	You know, I	I
151:1	back to a good -- on	back on
151:20	stick to these -- what	stick to what
152:13-14	And I would ask, well, who are we -- you know, are we	I asked them: are we
154:1	would be, you know, unlikely	would be unlikely
154:6-7	Subsequent to that, you know, Cab almost, I think, forgot about it.	Subsequent to that, Cab almost forgot about it.
154:9-10	passed over or was a	had blown over
157:9	(Nods head up and down.)	Yes. After reading all the deposition transcripts, I feel that the May 4, 2010 meeting with Cab Burgess and Nick Patel and the negative comments in my 2010 performance review also constitute retaliatory acts by Cab Burgess.
161:6	suspect would	
162:2	yeah	yes
162:10	Yeah	Yes
166:11	Uh-huh	Yes
168:7-8	what to do when, you know, for reasons not related to my own performance, I had been removed.	what to do from a position I had lost for reasons unrelated to my performance.
169:6	and a wide variety	and knowledge about a wide variety
169:7	so they	so he
173:16	is important.	are both important.
176:24	was	were
177:19	admin	admins
179:8-11	They may have said that about me. I don't know. But I don't recall telling people I had... I had difficulty -- not myself prioritizing but	No. I had no difficulty prioritizing my own work. My difficulty was working
180:1	I mean, there -- I could	I could
180:4-5	to, you know, understand both points of view and try to -- and	to understand the problems of squeaky wheel mode we were in, and provide leadership in prioritization, so that my priorities were not in conflict with theirs.
181:14	Late '90s or early 2000s, yeah.	Either late 1999 or early in 2000.

(Does not match w/ transcript pg.)

184:1	yeah	yes
186:8	Yeah.	Yes.
188:15	Yeah.	[delete line; irrelevant]
188:23	3 and -- I don't think she had direct	I don't believe she had
190:3-4	when I heard that, you know -- I think her name came up in one of the meetings with Greg.	when her name came up in one of the meetings with Greg...
190:11-12	In terms of when I was probing for like who is unhappy,	I would ask him who specifically was complaining, and
191:18	saying, you know, how can we do better? How	asking, how
191:21	up, gave	up to our offices and
(3:5-6	And I believe -- it	And it
194:25	doubt any--expect any problem	expect any problem
196:20	And you know, these	These
197:24	There was not, you know, the	There were no
200:3	I had -- could	I could
200:8	no	"no"
200:13	by all--everybody	by everybody
200:18-19	And it -- and some people read into that that I'm just, you know, saying	Some people read into that that I was saying
200:23	I'm not doing -- I'm	I'm
203:3	customer, do	customer, to do
204:17	For seven--	For several-- [Seven does not make sense here; strike?]
205:16	far after	long after
206:16	Uh-huh	Yes
211:5-6	Can't say until I find out what the acronym is.	This was a New Tribes Mission film about a remarkable true story of a missionary bringing hope and joy to a New Guinea tribe. I shared it one time with a fellow Christian.
211:11-12	just a little tiny thing.	a reduced-size package of the same film.
212:24	Yeah.	Yes.
214:6	Uh-hun.	Yes.
217:22	Sometimes. Not always.	Sometimes, but not often.
219:19	blasting	blatantly promoting
220:21	this, that	this -- that
220:23	an artificial	something artificial
221:4	You know, that was kind of an acronym	"LGM" was actually an acronym
221:5	life and they	life. Later, they
222:11	and saying	and saying,
222:20	the whole process a whole list	the others a short list
223:17	film, he talks	film, talks
224:17	No, I think -- I'm	No, I'm
224:19	theistic Darwinists	theistic evolutionists
229:2	would	could
230:19	Yeah, for like	Yes, for

236:7 *	in my discuss -- no,	in sharing it that year. No,
236:12-13	accused, yeah, of Christian	accused of pushing
237:5 *	Yeah,	Yes,
246:22-23	And it's kind of like in	It's in
248:4	Yeah -- well, not	Yes. Not
251:25	program. Now	program -- now
252:1	Planet Quest	Planet Quest --

1 REPORTER'S CERTIFICATION

2
3 I, Deborah R. Meyers, a Certified
4 Shorthand Reporter, do hereby certify:

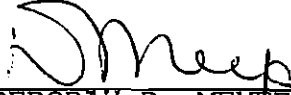
5 That prior to being examined, the witness
6 named in the foregoing proceedings was by me duly
7 sworn to testify to the truth, the whole truth, and
8 nothing but the truth;

9 That said proceedings were taken before me
10 at the time and place therein set forth and were
11 taken down by me in shorthand and thereafter reduced
12 to computerized transcription under my direction and
13 supervision;

14 That the dismantling of the transcript
15 will void the reporter's certificate.

16 I further certify that I am neither
17 counsel for, nor related to, any party to said
18 proceedings, nor in any way interested in the
19 outcome thereof.

20
21 IN WITNESS WHEREOF, I have hereunto
22 subscribed my name this 12th day of October, 2010.

23
24 
25 DEBORAH R. MEYERS, CSR NO. 8569

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

DAVID COPPEDGE, an Individual,)	CASE NO. BC 435600
)	
Plaintiff,)	
)	
vs.)	
)	
JET PROPULSION LABORATORY,)	
form unknown; CALIFORNIA)	
INSTITUTE OF TECHNOLOGY, form)	
unknown; GREGORY CHIN, an)	
Individual; CLARK A. BURGESS,)	
an Individual; KEVEIN KLENK,)	
an Individual; and DOES 1)	
through 25, inclusive,)	
)	
Defendants.)	

DEPOSITION OF DAVID COPPEDGE

OCTOBER 1, 2010

VOLUME 2

(Pages 257 through 462)

REPORTED BY:

Deborah R. Meyers
CSR No. 8569

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12/27/2011

14:19:24 1 please let me know.

14:19:26 2 And yet Greg says people's perceptions are
14:19:30 3 hard to change. Well, that may be true, but I also
14:19:33 4 believe in redemption and improvement, and I did
14:19:36 5 everything in my power to improve.

14:19:39 6 Q Did you ever come to realize that people
14:19:42 7 simply may have lost confidence in you such that it
14:19:44 8 was not going to change?

14:19:46 9 MR. BECKER: Assumes facts not in evidence,
14:19:47 10 lacks foundation, argumentative.

14:19:52 11 THE WITNESS: I don't understand why the
14:19:54 12 onus is being put on me. I mean, who else worked
14:19:57 13 harder to create good relationships with customers?
14:20:05 14 And if they won't reciprocate and respond back, then
14:20:12 15 that's their problem, not mine.

14:20:15 16 Q BY MR. ZAPP: Let me restate the question.
14:20:16 17 Would you agree that -- well, strike that.

14:20:28 18 Did you believe it was possible that some
14:20:29 19 of the customers with whom you worked simply lost
14:20:32 20 confidence in you such that, you know, their view of
14:20:35 21 you was not going to change?

14:20:37 22 MR. BECKER: Same objections..

14:20:38 23 THE WITNESS: I don't believe that. Greg
14:20:40 24 would tell me that, but I went, for instance, to one
14:20:44 25 of the persons he mentioned that might feel that

1 REPORTER'S CERTIFICATION

2
3 I, Deborah R. Meyers, a Certified
4 Shorthand Reporter, do hereby certify:

5 That prior to being examined, the witness
6 named in the foregoing proceedings was by me duly
7 sworn to testify to the truth, the whole truth, and
8 nothing but the truth;

9 That said proceedings were taken before me
10 at the time and place therein set forth and were
11 taken down by me in shorthand and thereafter reduced
12 to computerized transcription under my direction and
13 supervision;

14 That the dismantling of the transcript
15 will void the reporter's certificate.

16 I further certify that I am neither
17 counsel for, nor related to, any party to said
18 proceedings, nor in any way interested in the
19 outcome thereof.
20

21 IN WITNESS WHEREOF, I have hereunto
22 subscribed my name this 12th day of October, 2010.

23 
24 DEBORAH R. MEYERS, CSR NO. 8569
25

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

DAVID COPPEDGE, an Individual,)	CASE NO. BC 435600
)	
Plaintiff,)	
)	
vs.)	
)	
JET PROPULSION LABORATORY,)	
form unknown; CALIFORNIA)	
INSTITUTE OF TECHNOLOGY, form)	
unknown; GREGORY CHIN, an)	
Individual; CLARK A. BURGESS,)	
an Individual; KEVEIN KLENK,)	
an Individual; and DOES 1)	
through 25, inclusive,)	
)	
Defendants.)	

DEPOSITION OF DAVID COPPEDGE

OCTOBER 22, 2010

VOLUME 3

(Pages 463 through 757)

REPORTED BY:

Deborah R. Meyers
CSR No. 8569

HOMAN ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
4287 JACKSON AVENUE
CULVER CITY, CALIFORNIA 90232
(310) 838-7734

12/27/2011

12:02:26 1 influence that she was having. The strife that she
12:02:29 2 was creating was creating all kinds of controversy
12:02:32 3 about the SA team.

12:02:33 4 And the SA team -- in fact, Cab may recall
12:02:35 5 that they went to his office one time giving me a
12:02:38 6 vote of confidence, saying it's unfair what Dave's
12:02:41 7 being accused of here. And I would go out on the
12:02:45 8 mall with Nick Patel, for instance, and he would
12:02:47 9 feel really bad about the situation and give me his
12:02:50 10 confidence that --

12:02:51 11 Q Let me restate the question. In other
12:02:54 12 words, what you're saying is except for what Pam
12:02:57 13 Woncik said or did, you would not have had any
12:03:01 14 issues or difficulties in working with -- none of
12:03:05 15 these people would have felt they had any issues or
12:03:08 16 difficulties in working with you; is that correct?

12:03:10 17 MR. BECKER: Vague, ambiguous, calls for
12:03:11 18 speculation.

12:03:13 19 THE WITNESS: *I don't know what issues they might have had or*
not. I cannot read their minds. All I can
say is that I had a clear conscience about my actions with them, and we
12:03:15 20 *qualified that with everybody has difficulties to deal*
treated one another cordially and respectfully. Ever body
12:03:21 21 with in any office situation. And nobody worked
12:03:23 22 harder to resolve those difficulties than I did, and
12:03:26 23 I think the record shows that.

12:03:29 24 Q BY MR. ZAPP: When you said "no," did you
12:03:30 25 mean that you didn't think you had difficulties or

1 REPORTER'S CERTIFICATION

2
3 I, Deborah R. Meyers, a Certified
4 Shorthand Reporter, do hereby certify:

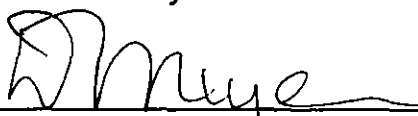
5 That prior to being examined, the witness
6 named in the foregoing proceedings was by me duly
7 sworn to testify to the truth, the whole truth, and
8 nothing but the truth;

9 That said proceedings were taken before me
10 at the time and place therein set forth and were
11 taken down by me in shorthand and thereafter reduced
12 to computerized transcription under my direction and
13 supervision;

14 That the dismantling of the transcript
15 will void the reporter's certificate..

16 I further certify that I am neither
17 counsel for, nor related to, any party to said
18 proceedings, nor in any way interested in the
19 outcome thereof.
20

21 IN WITNESS WHEREOF, I have hereunto
22 subscribed my name this 5th day of November, 2010.

23 
24 DEBORAH R. MEYERS, CSR NO. 8569
25

DAVID COPPEDGE DEPOSITION : DAY 3, 10/22/2010 : CHANGES

PAGE/LINE	ORIGINAL	CHANGE TO:
471:17	Yeah, they	They
473:1	thought was nice	selected for business reasons
477:11	which is the organization that the	the organization whose leadership
477:12	mantle landed on me	mantle fell on me
498:22	No, I don't believe so.	I don't remember when I discontinued any phone calls to Casey Luskin, but at some point in this period I discontinued conversations about this case with any attorneys besides Bill Becker.
502:8	Yes	Yes if it was not a blanket order restricting my rights of free speech.
506:19	by my--by the	by my
507:8	Every day they were--I was	Every day I was
511:7	being,	being
511:8	you know, a breath... someone that's	a breath ... someone who's
512:7	forensics, what you	forensics. What a
512:8	do as a lawyer -- for instance, you're trying to	lawyer does, for instance: he tries to
512:10	You know, you have to	You have to
512:17	science, where we weren't here for the	science. In cases where humans were not present for the
512:18	origin of these things but we infer from the	origin of these things, we infer from the
513:8	harassment -- people accused of	employees accused of
513:20	Well, that's what he said. And I think he	Yes, that's what he said. I think he
513:22	design is--it's one of these unpopular ideas	design is a politically incorrect idea
514:7	monkeys, they ought to	monkeys ought to
514:22	This was -- this was	This was
515:6	heated -- first heated	first heated
515:13	responsibilities he had	his responsibilities
515:16-17	I didn't blink an eye.	I didn't falter.
515:21	Plus, another thing about that time,	Plus, another thing:
518:9	Yeah, what do you mean?	What do you mean?
521:10	be -- ought to have some meaning more	have a more formalized procedure
523:14	And how far -- how much farther could	And how much higher could
523:15	I go than the head of the Human Resources department	I go with an appeal than to the head of the Human Resources Department?
523:16	with an appeal? That	That
523:25	without -- with	with
526:3	It was like I was	I felt I was
525:4	If I -- if it's in	If it's in
526:8	to it.	to them.
526:24	I just stated -- but I did state	But I did state
526:5	I had records of everybody I had shared these	I had records of everyone with whom I had shared these
527:1	with and the reactions were	DVDs, that the reactions were

528:23	everyone had opportunity	each person involved in the investigation had opportunity
531:7	you have more witnesses. Look at the data.	you have more witness who examine the evidence.
532:13	lead.	lead, and an apology issued for the violation of my rights.
532:18	harassment.	harassment. In addition, I wanted JPL to affirm the free speech rights of all employees.
533:3	There was no -- there was no	There was no
534:13-14	trying to -- trying to placate Pam, who was making a very,	trying to placate Pam, who was making a very
534:15	very demanding -- Pam	unreasonable demand. Pam
536:1	He said, you know,	He said
538:17	Oh, yeah.	Yes.
539:7-8	I can't answer a question like how do you rank the colors.	I can't answer a question like that. It's like trying to rank the colors.
544:6	throughout the office of -- that I was	throughout the office of uncertainty about me. I was
545:22-23	These were all -- for seven years there was no problem.	For seven years there was no problem.
546:1	There are facing	The team is facing
546:6	changes	changed
546:7	that, you know, Greg is	that, Greg is
547:19	Yes. I mean, tammy -- Tammy Fujii	Yes. Tammy Fujii
549:22	conversations, and I never	conversations. I never
550:18	and -- these	Wong were influenced by negative reports about me. These
552:19	I'm going to say no, but qualify that with everybody	I don't know what issues they might have had or not. I cannot read their minds. All I can say is that I had a clear conscience about my actions with them, and we treated one another cordially and respectfully. Everybody
554:6	And I was not trying to say	I was not trying to say
554:8	I think that's how he kind of took it	I think that's what he was inferring from my comment.
555:15	Yes, this was my feelings, my opinions	Yes; this represented my feelings, my opinions
556:1	In fact, he seemed like it	He acted as if it
556:3	"Oh, brother, I got to talk to	"Oh, brother, I have to talk to
556:5	And there was -- it was pointless.	It was pointless.
556:13	There was	There were
557:7	I -- he -- Cab knows very well --	Cab knows very well --
558:4	Well, the -- yes.	Well, yes.
560:1	No. I don't recall	I don't recall.
561:18	was to, you know, put the -- I was taking the most	was to assign each SA to an office. I was taking the most
561:19	heat from IO at the time. And so to avoid further	heat from IO at the time. So to avoid further
561:20	controversy, he was trying to just -- well, who can	confrontations, he was trying to decide who to assign to IO

561:21	we put that they hate the least to interface with	whom they dislike the least, to interact with
561:22	them? That was kind of just his attempt.	them. He was attempting to avoid controversy in a volatile situation.
562:7	I don't recall the specifics, but Greg was	I don't recall the specifics, but Greg had decided
562:8	trying to just parse out the work to, you know, give	to assign
562:9	each one of certain groups to focus on as part of	each SA certain groups to work with, as part of
562:10	this alleviating the heat that was going on around with	an attempt to alleviate the heat between offices,
562:11	the office at the time.	In particular with IO, at the time.
562:18	because I never had any direct dealings with Julie	because I did not provide services directly to Julie
562:19	Webster and the cordial meetings we had ever had had	Webster. Any contacts with her had
562:20	always been friendly. And I found it hard to	always been cordial. I found it hard to
563:10	In fact, when -- after Greg had mentioned	In fact, after Greg mentioned
563:13	went to her with a bridge-building exercise:	took the initiative to improve our working relationship. I visited her office and asked her, Julie,
564:10	This was the scientific community who were	This was a group of scientists both inside and outside of JPL
564:11	receiving -- you know, unrelated to JPL --	communicating --
564:15	they -- one of them	one of them
564:19	It basically says, hey, there	It basically says that there
564:20	seems to be some questions	are some questions
565:2	though, that -- you get	though, you get
565:4	design, there's this	design produces a
565:7	reflects bad on JPL.	reflects badly on JPL.
566:9	the kinds of heat -- I	those heated conversations. I
566:10	was the first target of this kind of activity that	was the first target in their plan to get control.
566:11	they were engaged in, where we all -- the SA team	The SA team
566:12	all believed that the goal that they were after was	all believed that their goal was
566:13	to have -- carve out their own enclave of their own	to carve out their own enclave of their own
566:19	one point trying to talk about, you know, the to-do	one point to discuss action items
566:20	list and is everything -- but it was impossible to	and answer questions, but it was impossible to
566:23	the others quickly knew, and Bob quickly changed his	the others quickly became involved. Bob Jobsky soon changed his
566:24	opinion, and in due time I think Greg was taking a	opinion about Pam Woncik, and in due time I believe Greg was taking a
567:18	It was -- I was getting a	I was getting the
569:1	rather than to -- so I don't think I sent this to	rather than "To" -- so I don't recall if I sent this to
569:2	anybody else. I don't recall	anybody else.
570:18	have my family	have spoken with my family
570:23	comments that people brought to me, said they heard	comments I received from people who had heard

570:24	about this and they were very concerned and they	about this and were concerned. They
573:13	The same day, yeah.	The same day; yes.
574:17	Yeah. He said that I had used poor	Yes, He said that he thought I had used poor
577:15	want	wanted
577:19	she -- we had	we had
578:3	duplicious, that that's not how she -- you	duplicious. He felt that
578:4	know, the way she talks is not necessarily what	the way she talks is not indicative of what
578:5	she's going to do. And he mentioned that. He can	she will do. He mentioned that to me once. He can
578:14	That was -- that may	That may
579:20	to mean like can I	to mean, Can I
579:21	continue doing what I had done that got me into this	continue sharing the information on Intelligent design that got me into this
582:24	questions remaining, and I wanted to at least, you	questions remaining, and I wanted to at least
582:25	know, state here's what I think -- it was kind	clarify that my recollections coincided with his. It was
583:1	like with that meeting with Greg. Here's what I	like that email to Greg, where I asked, Here's what I
584:11	May of 2004	May of 2010
585:21-22	this situation meant. But usually, you know,	a particular situation meant. But usually,
586:9	task, you know, and	task, and
586:10	And Oscar	Oscar
586:11	Castillo had had it. So --	Castillo had the task before me.
587:7	lay out here's the tasks	lay out the tasks
588:2	bossy in terms of like he'd walk into my cubicle and	bossy. He would walk into my cubicle and
588:3	announce and say, Dave, we need to do this and here	tell me, Dave, I want you to do this
588:4	and here, and he'd basically, without any	right now. Basically, without any
588:5	consideration of what I was already doing, just tell	consideration of other tasks I was working on, he would just order
588:6	me and assign tasks to me.	me around.
589:5	a little bit of	additional
589:8	I think that that	I think Nick's behavior in light of job security
589:9	ought to be taken into account, the way that he's	ought to be taken into account. Nick is
589:10	sort of an interested party in keeping his job as	an interested party. He wants to keep his job
589:11	well as the rest of us are. And anything he could	like the rest of us. Anything he could
589:21	we would have -- go out	we would go out
590:8	tone and not -- you know, I tried to offer	manner. He was not asking about things; he was accusing me. I tried to answer
590:9	my defense of what, as I saw these things, he was	his allegations. I took notes
590:10	saying, and I wrote these up. But he was just	and later wrote them up. Nick was
591:10	No. I had -- for a while I had	No. I had
591:25	like one	one
592:17-18	I don't look at their -- over their shoulder	I don't look over their shoulder
593:19	nothing, you know, improper	nothing improper

595:1-2	them in my -- in my recollection. I answered them thoroughly	them thoroughly.
595:4	It was -- I think basically I told -- the	The
595:15	He was making -- he was expressing	He was expressing
596:6	not any -- in any sense	not in any sense
596:18	had, you know, gone	had gone
596:20	any -- anything	anything
598:4	but I -- like I said,	but like I said,
598:22	a lot of -- a diverse	a diverse
599:7	key on science sites	keen on science sites
599:14	Yes.	No, but on evolutionnews.org.
608:11	seconds, you know, I	seconds, I
613:10	I think that it was -- that	I think that
623:13-14	I mean, where does the diversity rule?	I mean, what does diversity include?
625:3	formality, you know. You have your -- it's not	formality. You have your input, but it's not
625:5	But I took note of the -- of these	But I took note of the negative
625:18	fact, you can often -- I recorded sometimes	fact, you can often overhear non-work-related conversations. I took note of
625:21	And why	Why
633:25	like an outline	an outline
635:3	anything above 70 is considered excellent.	anything about 70 is passing and anything above 90 is considered excellent.
638:2	While we ... not optimal	"While we ... not optimal."
639:9	And I cannot	I cannot
639:10	be -- why that should be written up in my employee	be responsible for other people's feelings. Why that should be written up in my employee
639:11	review as a problem is beyond me.	review as my problem is beyond me.
641:2	I believe that's what I -- yeah, I think	I think
644:18-19	High School who had never -- many of them had never	High School, many of whom had never
644:23	And this was -- amount to	And this amounted to
645:18	writes this up as if --	writes this
645:22	Just I'm -- I'm	I'm
646:25	work -- he says	work I aspire to. He says
647:5	oblivious to any -- what had happened	oblivious to the controversy over the DVDs and conflicts with IO from
647:6	the prior year	prior years
647:9	And he thought it was -- everything was great.	And he thought everything was great.
647:18	And this -- the only thing	The only thing
649:5	Yes, uh-huh.	Yes.
649:17	I was not -- I was never	I was never
652:1	It just that	That
653:1	manner.	manner. As it turned out, the servers needed a reboot for other reasons, so the interruption caused by my error was moot.
656:21	Yeah,	Yes,

657:6	And to have her, you know, pick out good	And for her to pick out good
657:7	things I had done and to encapsulate them in my	things I had done and present them as flaws in my
659:4-5	I had -- I had improved on a sloppy situation where	I had improved on a sloppy situation I inherited from prior SA's, where
659:6-7	And I decided, you know, we need to have a system	I decided it would help to have a method
659:10	Patty	Patti
659:11	she just -- for whatever reason,	for whatever reason,
659:15	is well, let's	was, let's
659:17	get them all -- it wasn't	get them all. It wasn't
659:18	Patty	Patti
660:13-14	We had -- what I think was confusing Patty	What I think was confusing Patti
661:3	Patty	Patti
662:14	had said earlier that -- words	had earlier said words
665:1	And my -- I think my	And I think my
665:14	but want to have a	but have a
666:13	Burgess.	Burgess have done so.
666:16	for -- up	up
666:18	you get	I got
667:5-6	I need all the friends I can get.	I'm trying.
669:7	and -- to go through	to go through
669:10-11	I -- the	The
669:15	find -- dig	dig
671:11	that I was -- that was	that was
671:22	been -- had received	received
676:13	I think that if this -- if I fail	I think that if I fail
676:15	on the entire lab	on the entire lab -- and the entire nation --
676:18	that you dare to step out of the line of the Darwin	that if you dare to step out of line with the Darwin
676:19	dogma and your job could be at stake.	dogma, your job could be at stake.
677:13	situation that I find myself in, that I'm -- you	situation that I find myself in.
677:14	know, I used to have a pretty -- I used to walk	I used to walk
677:15	pretty proudly of	feeling gratified about
677:21-22	I -- you know, I don't	I don't
677:24	nobody -- you know, some people know about it, but	nobody can talk about it. The situation has put a quash on all speech about intelligent design. Some people know about the case, but
678:1	just big	big
679:25	of people, you know, they're looking at me, what	of people are looking at me, thinking, What
680:4-5	joyful, you know,	joyful,
680:8	under this	under a
680:11	or -- with	with
683:12	I get -- I've	I've

686:8	back then.	As recently as 2008 I was healthy enough to run up Arroyo Seco a mile and back during lunch hour. I haven't felt good enough to do that since this incident started.
688:8	but, you know,	but
689:9	I -- you know, I'd	I'd
690:15	Well, you know at work I -- I'm in fear	Well, at work I'm in fear
690:18	just freely	freely
690:22	people would like to see -- some people, you know,	some people would
690:23	maybe like to see things that they could find fault	like to find occasions for fault
690:24	with so that they could shift the attention from	with me, so that they could shift the attention from
690:25	what happened to me as being a problem person.	the discipline I received for sharing intelligent design to me being a problem person.
696:25	I don't know. They probably were, yeah.	I don't know.
697:1	These are hard times.	[delete]
697:25	Yeah,	Yes,
699:15	not work.	would be bad policy.
700:4	Yeah,	Yes,
705:20	Patty	Patti
706:19-20	where, you know,	where
708:9	impression, was this	impression whether this
712:6	yeah.	yes.
712:25	the types of -- of slander that was -- was going	the types of slander that were going on.
715:8	mental conflict. Let's say that I would not be in	discomfort toward me. From that point on, I was not in
715:9	his close circle of friends that he felt comfortable	his close circle of friends that he felt comfortable
715:10	with. Just leave it at that.	with -- actually, probably earlier, since the day he and I discovered we had opposite views about the lawsuit involving Grace Community Church. (The church won, by the way.)
719:3-4	had suggested to him can I go	had offered to go
719:5	them?	them.
723:16	This is particular incident	This particular incident
727:9	But I say, you know, this has happened to	I believe challenges are an opportunity
727:10	me for a purpose here.	to grow.
728:23	can -- agreed	agreed
730:17	I -- the thing about the Ethics Office was	Regarding the Ethics Office,
730:18	saying is it	asked if it was
731:1	they are a biblical --	they are a
733:6	Trip wire.	Tripwire.
736:9	just goes kind of shopping	goes shopping
736:14	This was -- I don't	I don't
736:16	And she would -- in our SA	In our SA
736:17	meetings he would say don't do that, you know. We	meetings he would say, Don't do that; we

736:18	need to – that Caroli has this habit of just going	need to stand up against her tendency of going
741:6	Community Church.	Community Church. Died of liver disease; I attended his funeral and saw Greg there.
741:18	great guy. I miss him.	Bo was a humble, godly, friendly man who had come on a couple of my hikes. I miss him.
742:7	this thing about intelligent design, and it may have	a dislike of intelligent design that apparently
742:8	cropped up in various ways. I don't know.	was expressed in his attitude toward me.
746:1	Look, this thing about unwelcome, you know,	Look, this thing about unwelcome:
746:14	have an interest?	have an interest in sharing this with my coworkers?
746:15	Well, I decided to, you know, just look at	Well, I decided to look at
746:19	doubts	questions
747:2	Cab kept	Cab
747:5	And no,	No,
747:9	that kind of thing.	I would say.
749:5	palsy	personable
749:22	Dave, let's -- we've got	Dave, we've got
751:5	wanted	want

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
CITY OF LOS ANGELES AND COUNTY OF LOS)
ANGELES)

I am employed in the City of Los Angeles and County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is as follows: 515 So. Flower Street, 25th Floor, Los Angeles, CA 90071.

On December 27, 2011, I served the foregoing document(s) described as:

REPLY ON MOTION *IN LIMINE* #7

DEFENDANT CALIFORNIA INSTITUTE OF TECHNOLOGY'S REPLY IN SUPPORT OF MOTION *IN LIMINE* #7 ("DML 7") FOR AN ORDER EXCLUDING PLAINTIFF'S SUBJECTIVE OPINION OF HIS OWN JOB PERFORMANCE; DECLARATION OF CAMERON W. FOX

on the interested parties as follows:

William J. Becker, Jr., Esq.
THE BECKER LAW FIRM
11500 Olympic Blvd, Suite 400
Los Angeles, CA 90064

Attorney for Plaintiff
DAVID COPPEDGE

Email: bbeckerlaw@gmail.com



VIA ELECTRONIC MAIL:

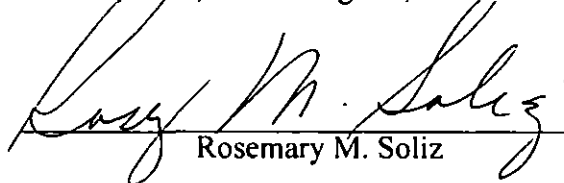
By personally emailing the aforementioned document in PDF format to the email address designated for the above listed counsel.



VIA U.S. MAIL:

By placing a true and correct copy thereof in a sealed envelope(s) as addressed above. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S. postal service on December 27, 2011, with postage thereon fully prepaid, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and was executed on December 27, 2011, at Los Angeles, California.


Rosemary M. Soliz