

FEB 07 2012

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

11 **DAVID COPPEDGE**, an individual;
12
13 Plaintiff,

14 vs.

15 **JET PROPULSION LABORATORY**, form
16 unknown; **CALIFORNIA INSTITUTE OF**
17 **TECHNOLOGY**, form unknown;
18 **GREGORY CHIN**, an Individual; **CLARK**
19 **A. BURGESS**, an Individual; **KEVIN**
20 **KLENK**, an Individual; and **Does 1** through
21 **25**, inclusive,

22 Defendants.

Case No. BC435600

SUPPLEMENTAL DECLARATION OF
WILLIAM J. BECKER, JR. IN SUPPORT
OF MOTION IN LIMINE NO. 5 TO
PRECLUDE DEFENDANT’S LABOR
ECONOMIST/STATISTICIAN EXPERT
WITNESS FROM TESTIFYING
REGARDING PLAINTIFF’S
MITIGATION EFFORTS; EXHIBITS

HEARING DATE: February 24, 2012
HEARING TIME: 9:00 a.m.
DEPT: 54

Trial Date: March 7, 2012

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

BY FAX

24 1. I am an attorney admitted to practice before all the courts in the State of California
25 and counsel of record for David Coppedge, Plaintiff herein (“Plaintiff”). The following facts and
26 circumstances are personally known to me, and if called upon to do so, I could and would com-
27 petently testify as to them.
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EXHIBIT 3

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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 MICHAEL P. WARD,
taken on Tuesday, January 24, 2012

Reported by:
Heidi Sullivan
CSR NO. 6600
File No.: 12-103

EX 3

001/01/02

1 A. No. They were all internet searches.

2 Q. Do you agree that the reasonableness of
3 an employee's efforts to find other similar
4 employment or his excuses for failing to find other
5 similar employment are for a jury to decide based on
6 the facts, not based on an expert's opinion?

7 A. Well, it's certainly the role of the
8 jury to make that determination.

9 Q. Do you agree that, even though David
10 could obtain employment in other locations other than
11 where he resided, by law he is not compelled to do so
12 in order to mitigate his damages?

13 MS. GORDON: Objection. Calls for legal
14 conclusion.

15 THE WITNESS: Yeah. I'm not qualified to
16 make that determination.

17 BY MR. BECKER:

18 Q. Now, you were given the deposition
19 transcript of Ted Vavoulis; correct?

20 A. Correct.

21 Q. And you also were provided with a number
22 of other materials that you have in a binder there
23 with respect to this case; correct?

24 A. Yes.

25 Q. We'll find out in a minute what all

1 Q. And what does that article say?

2 A. It talks about the increase in the
3 number of postings for jobs along Los Angeles, Long
4 Beach, Santa Ana metropolitan area are among the top
5 25 metro areas for IT hiring.

6 Q. By the way, do you have any experience
7 with hiring people?

8 A. Well, people in my company.

9 Q. That's it?

10 A. Yes.

11 Q. You're not qualified as an expert in the
12 field of vocational rehabilitation, are you?

13 A. I'm not a vocational rehabilitation
14 expert.

15 Q. Have you ever worked in the field of voc;
16 rehab?

17 A. No.

18 Q. Have you ever qualified as an expert in
19 the field of human resources?

20 A. I don't know what that means.

21 Q. You don't know what HR is?

22 A. Well, I know HR in the sense that I
23 administer a company. Is that what you mean?

24 Q. Yeah. Have you ever qualified as an
25 expert regarding human resources issues, standards of

1 issues. Basically statistical analyses.

2 Q. Have you ever qualified as an expert in
3 the field of executive recruitment?

4 A. No.

5 Q. Have you ever worked as an executive
6 recruiter?

7 A. No.

8 Q. Or head hunter?

9 A. No.

10 Q. Did you consult with any of the
11 employers on Exhibit 5 regarding David's case?

12 A. No.

13 Q. Did you contact any potential employer
14 of someone with David's skill set regarding what
15 their view is about hiring somebody over the age of
16 60?

17 A. No.

18 Q. Have you spoken to anybody about whether
19 they would hire someone who has to commute beyond 30
20 miles in the L.A. region?

21 A. I'm sorry. I didn't understand the
22 question.

23 Q. Have you spoken to anybody about whether
24 they would hire someone who has to commute beyond 30
25 miles within the L.A. region?