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Attorneys for Defendant  
 CALIFORNIA INSTITUTE OF TECHNOLOGY

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

**DEFENDANT'S OPPOSITION TO  
 PLAINTIFF'S MOTION *IN LIMINE* NO. 2  
 TO EXCLUDE REFERENCES TO  
 PROPOSITION 8**

FSC Date:	February 24, 2012
Trial Date:	March 7, 2012
Time:	9:30 a.m.
Place:	Department 54
Judge:	Hon. Ernest M. Hiroshige

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF LOS ANGELES

FEB 09 2012

John A. Clark, Executive Officer/Clerk  
 By GLORIETTA ROBINSON Deputy

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 In Coppedge's untimely Motion *in Limine* No. 2, he makes the preposterous claim that  
4 Caltech wants "to inflame jurors' passions [and] prejudices" and "mislead the jury into believing  
5 that this case is really about Coppedge's views against gay marriage." Motion at 1:3; 5:12-13.

6 That is utter nonsense. Caltech simply wants the jury to hear the facts, nothing more.

7 Coppedge's manner of interacting with Caltech employees regarding Proposition 8 is an integral  
8 part of this case. Two of the three employees who complained about Coppedge, Scott Edgington  
9 and Margaret Weisenfelder, cited his conduct in connection with Proposition 8, and Coppedge's  
10 April 2009 written warning was based in part on his interactions with them about Proposition 8.

11 These indisputable facts undermine the gravamen of Coppedge's claims, i.e., that he was  
12 discriminated and retaliated against based on his perceived religious views. Proposition 8 has  
13 nothing to do with religion or intelligent design, and that is the real reason why Coppedge wants  
14 to hide this evidence from the jury. Indeed, in previous motion *in limine* briefing, Coppedge  
15 minimized or ignored the Proposition 8 incident with Edgington altogether.<sup>1</sup> The jury must be  
16 allowed to hear what Coppedge said in the Proposition 8 interactions to understand fully the basis  
17 for Coppedge's written warning and that the basis is legitimate and non-discriminatory.

18 **II. THIS MOTION IN LIMINE IS LATE AND SHOULD NOT BE CONSIDERED**

19 The parties received the Court's summary judgment ruling on Friday, November 18, 2011.  
20 Because the final status conference was to be held a short two weeks later (trial was then  
21 scheduled to begin on December 14, 2011), the Court authorized the parties to agree to a  
22 shortened briefing schedule for motions *in limine*. The parties thoughtfully negotiated and  
23 agreed to deadlines for all moving, opposing, and reply papers, and memorialized the deadlines in  
24 a Stipulation filed with the Court as part of the joint Final Status Conference Statement.  
25 Declaration of Melinda A. Gordon ("Gordon Decl."), ¶ 3, Ex. A.

26  
27 <sup>1</sup> See, e.g., Pltf's Opposition to Caltech's MIL No. 2 For An Order Excluding Testimony,  
28 Evidence, Argument And Comment Regarding The Content Of DVDS Coppedge Distributed To  
Co-Workers And Films Regarding Alleged Hostility Proponents Of Intelligent Design Have  
Experienced.

1 The Stipulation provided that all motions *in limine* must be filed by November 30, 2011.  
2 Both parties did so; Caltech filed eight motions, while Coppedge filed one. Trial was  
3 subsequently continued until March 7, 2012, so now Coppedge has taken license to file additional  
4 motions *in limine* on January 27, 2012 – nearly *two* months after the agreed-upon deadline. There  
5 are no mitigating circumstances warranting this protracted delay, nor does Coppedge offer any  
6 explanation, let alone a legitimate reason, for it. Coppedge has known from the start that  
7 Proposition 8 was the topic of his encounters with Edgington and Weisenfelder, and that it was  
8 part of the basis for his written warning. And to the extent Coppedge suggests that the Court's  
9 summary adjudication ruling on his California Labor Code section 1101 claim affected his  
10 supposed need for this motion, that ruling was known on November 18, 2011. Coppedge should  
11 not be permitted to file motions in contravention of the briefing schedule this Court asked the  
12 parties to create. The Court should decline to consider this Motion.

13 **III. THIS MOTION IS MERITLESS: THERE ARE NO GROUNDS TO EXCLUDE**  
14 **REFERENCES TO PROPOSITION 8, WHILE DOING SO WILL INCREASE**  
**JURY CONFUSION AND CREATE UNDUE PREJUDICE TO CALTECH**

15 **A. Clarification Of Relevant Facts.**

16 Coppedge's cursory and misleading description of his conversation with Scott Edgington  
17 illustrates precisely why reference to Proposition 8 cannot be excluded from trial. Motion at  
18 1:21-22.

19 What actually happened is that Coppedge initiated a discussion with Edgington regarding  
20 Proposition 8, the conversation became heated when Edgington disagreed with Coppedge's view,  
21 and Edgington had to tell Coppedge twice to leave his office before Coppedge finally did so.  
22 Coppedge Tr. 104:8-10; 345:1-346:8; Edgington Tr. 80:25-81:8; 101:23-103:2; Declaration of  
23 Jhertaune Huntley In Support of Defendant California Institute of Technology's Motion for  
24 Summary Judgment Or, In the Alternative, Summary Adjudication of Issues ("Huntley Decl.") ¶  
25 7.<sup>2</sup> During the conversation, Coppedge insulted Edgington by saying something to the effect that

26  
27 <sup>2</sup> All deposition testimony excerpts and/or exhibits cited herein are formatted as follows:  
28 [deponent last name] Tr. [page number]:[line number]; Ex. [number], and attached as exhibits to  
the concurrently-filed Declaration of Melinda A. Gordon. A true and correct copy of the Huntley  
Declaration (excluding exhibits) is also attached to the Gordon Declaration.

1 Edgington must not like children, because he disagreed with Coppedge's view on Proposition 8.  
2 Edgington Tr. 27:18-28:2; 28:4-6, 28:22-24; Ex. 27; Huntley Decl. ¶ 11. Coppedge ignores this  
3 crucial detail in his Motion, and wants to hide this evidence from the jury, because the jury will  
4 not be able to understand Coppedge's insult without knowing that it was said in the context of  
5 Proposition 8.

6 Coppedge concedes that the written warning he received as a result of Jhertaune Huntley's  
7 investigation was based in part on the incident with Edgington. It reads:

8 You created disruption in the workplace by approaching a co-  
9 worker during work hours to engage in a political debate about a  
10 recent controversial issue. When you discovered your co-worker  
11 did not share your political views, you became upset and  
12 argumentative. Your co-worker had to request that you leave his  
13 office in order to cease the conversation.

14 Coppedge Tr. Ex. 1018; 388:8-16; 389:17-20. But Margaret Weisenfelder also referred to  
15 Proposition 8 when she first reported her concerns to Greg Chin, and Chin in turn referred to  
16 Proposition 8 when he called the Employee Relations hotline to self-report the disagreement he  
17 had with Coppedge on March 2. Weisenfelder Tr. 125:10-13, 127:2-13; 155:12-22, Weisenfelder  
18 Tr. Ex. 31; Huntley Tr. 93:6-94:21, Huntley Tr. Ex. 20. Coppedge ignores these facts too.

19 The remainder of Coppedge's "facts" section mischaracterizes the record and asserts legal  
20 conclusions (e.g. contending that he was demoted). Insofar as they are not relevant to this  
21 Motion, Caltech does not waste the Court's time by clarifying them yet again here.

22 **B. Proposition 8 Is Relevant Because It Provides Necessary Context.**

23 Proposition 8 provides necessary context for the encounter between Coppedge and  
24 Edgington, one of the key events that led to Coppedge's written warning. Without reference to  
25 Proposition 8, the jury will be unable to understand what even happened, much less how  
26 Edgington could have found Coppedge's conduct and statements to be disruptive and offensive.  
27 This evidence is relevant, and essential, because it shows that Caltech had a legitimate, non-  
28 discriminatory reason unrelated to religion or intelligent design for issuing the written warning.

Coppedge contends that Proposition 8 is not relevant, because (i) Caltech contends that its  
actions were based on the manner of Coppedge's speech, not its content, and (ii) that "this Court

1 has already ruled there is no evidence that JPL enforced a policy restricting Coppedge's political  
2 activity," referencing the Court's summary adjudication of Coppedge's Labor Code section 1101  
3 claim. Motion, 4:18-20. Neither establishes a lack of relevance.

4 First, that Caltech disciplined Coppedge for his manner of interacting with others, rather  
5 than the subject matter of their discussions, does not foreclose the need to refer to Proposition 8.  
6 As noted above, without reference to Proposition 8, Coppedge's *manner* – including his insulting  
7 statement to Edgington about not liking children – makes no sense. Coppedge may next propose  
8 that instead of telling the jury what he said, the jury could just be told that he made an "insulting  
9 statement." This would be equally absurd. The jury is the trier of fact, and must know the facts  
10 to do its job effectively.

11 Second, the Court's proper dismissal of Coppedge's Section 1101 claim does not render  
12 reference to Proposition 8 irrelevant. The Court's ruling on this claim was as follows:

13 The § 1101 claim fails because Plaintiff has not alleged, let alone  
14 submitted evidence of, any Caltech policy that impedes the political  
15 expression of employees. (*Ross v. Independent Living Resource of*  
16 *Contra Costa County* (ND Cal. 2010) 2010 WL 2898773 [isolated  
episode of retaliation for political activity insufficient to show  
defendant, as a policy, barred its employees from engaging in  
political activity].)

17 Court's Tentative Ruling, dated October 26, 2011 (entered by the Court on November 18, 2011 as  
18 to this claim, among others). In other words, and as Coppedge admits, the Court found that "there  
19 is no evidence that JPL enforced a policy restricting Coppedge's political activity." Motion at  
20 4:18-20. However, just because a legal claim fails as a matter of law does not mean that evidence  
21 relevant to that claim is rendered irrelevant for all other purposes. Coppedge's and Edgington's  
22 conversation about Proposition 8 is relevant for reasons beyond Coppedge's failed Section 1101  
23 claim: providing necessary context for the incident, and showing a legitimate, non-discriminatory  
24 basis for Coppedge's written warning.

25 **C. Excluding Reference To Proposition 8 Will Create Undue Prejudice to**  
26 **Caltech, Not Eliminate Prejudice.**

27 Coppedge contends that Proposition 8 is "highly inflammatory," Motion at 5:2, that jurors  
28 would be confused or misled, and that permitting reference to Proposition 8 will delay the trial,

1 including during voir dire. Even if these assertions were true – they are not – they do not  
2 outweigh the probative value of referring to Proposition 8.

3 First, Proposition 8 is no more inflammatory than views on the origins of life – and yet  
4 Coppedge and his counsel are determined to turn this trial into a forum on intelligent design.  
5 Coppedge notes that Justice Kennard described Proposition 8 as part of an “ongoing political and  
6 legal struggle.” Motion at 5:3-4. But Coppedge himself asserts that there is a “controversy” over  
7 intelligent design, that there is an “excessive level of disdain” toward it, and goes so far as to  
8 suggest that there is a “war on intelligent design and what the theory holds.” Pltf’s Opp’n to  
9 Caltech’s Motion *in Limine* No. 5 For An Order Excluding Or Limiting The Testimony Of  
10 Plaintiff’s Expert David K. DeWolf. Just as some jurors may agree with Coppedge’s intelligent  
11 design views and others will disagree, likewise some will support Proposition 8 and others will  
12 not. This is no basis to exclude centrally relevant facts.

13 Second, the jury will not be confused or misled by reference to Proposition 8, something  
14 to which Californians have had significant exposure. Indeed, they had a recent reminder on  
15 February 7, 2012, the day the Ninth Circuit Court of Appeals issued its ruling on the  
16 constitutionality of Proposition 8. However, jurors will be confused if they only hear part of the  
17 facts, and are not told why Edgington found Coppedge’s insult about not liking children so  
18 offensive and disruptive. Depriving the jury of this information will create substantial and unfair  
19 prejudice to Caltech.

20 Third, and finally, permitting reference to Proposition 8 will not cause unnecessary delay,  
21 during voir dire or otherwise. As noted above, Coppedge maintains that intelligent design is a  
22 controversial topic, but has expressed no concerns about the time it will take for the “court and  
23 counsel [to] try to sift out prospective jurors who cannot set aside their own ideological  
24 convictions.” Motion at 5:14-17. The only difference is that Coppedge *wants* to make this trial  
25 about intelligent design, and wants to hide from the jury that Caltech disciplined him at least in  
26 part for incidents unrelated to intelligent design.

1 **IV. COUNSEL FOR CALTECH MET AND CONFERRED IN GOOD FAITH**

2 Coppedge's counsel claims that Caltech did not meet and confer in good faith as to this  
3 Motion. He is wrong. On January 24, 2012, following a deposition in this case, Melinda Gordon  
4 indicated to Coppedge's counsel that Caltech would be opposing Coppedge's request to exclude  
5 reference to Proposition 8. Coppedge's counsel contends that the meet and confer was inadequate  
6 because Ms. Gordon did not offer "substantive argument for opposing this motion" on January  
7 24, 2012. There is no such requirement on the part of the opposing party; the requirement is that  
8 the *moving* party endeavor to meet and confer in good faith. *See, e.g.,* L.A. Super. Ct. Local Rule  
9 3.57(a)(2). In any event, Ms. Gordon indicated clearly on January 24, 2012, that Caltech was  
10 "refus[ing] to stipulate" that Proposition 8 "will not be mentioned or displayed in the presence of  
11 the jury ...," and therefore fulfilled any obligation Caltech might have in this respect. *Id.*

12 **V. CONCLUSION**

13 For the foregoing reasons, Caltech respectfully requests that the Court deny Coppedge's  
14 Motion *in Limine* to exclude references to Proposition 8.

15 DATED: February 9, 2012

PAUL HASTINGS LLP  
JAMES A. ZAPP  
CAMERON W. FOX  
MELINDA A. GORDON

17 By:   
18

MELINDA A. GORDON

19 Attorneys for Defendant  
20 CALIFORNIA INSTITUTE OF TECHNOLOGY

**DECLARATION OF MELINDA A. GORDON**

I, Melinda A. Gordon, 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 Opposition to Plaintiff's Motion *In Limine* No. 2 To Exclude References To Proposition 8 ("Motion")

3. Upon information and belief, counsel for Caltech and counsel for Coppedge agreed to file motions *in limine* on November 30, 2011. Attached hereto as **Exhibit A** is a true and correct copy of the parties' Joint Final Status Conference Statement, an attachment to which is the parties' Joint Stipulation Regarding Pretrial Deadlines, providing for a November 30, 2011 filing date for motions *in limine*.

4. Attached hereto as **Exhibit B** are true and correct copies of excerpts and an exhibit from Days One and Two of the deposition of David Coppedge, taken on September 30, 2010 and October 1, 2010.

5. Attached hereto as **Exhibit C** are true and correct copies of excerpts and an exhibit from Day One of the deposition of Jhertaune Huntley, taken on February 15, 2011.

6. Attached hereto as **Exhibit D** are true and correct copies of excerpts and an exhibit from the deposition of Margaret Weisenfelder, taken on February 28, 2011.

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- 7 -

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO. 2 TO EXCLUDE REFERENCES  
TO PROPOSITION 8



7. Attached hereto as **Exhibit E** are true and correct copies of excerpts and an exhibit from the deposition of Scott Edgington, taken on February 22, 2011.

8. Attached hereto as **Exhibit F** is a true and correct copy of the Declaration of Jhertaune Huntley In Support of Defendant California Institute of Technology's Motion for Summary Judgment Or, In the Alternative, Summary Adjudication of Issues (excluding exhibits).

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

Executed this 9th day of February, 2012, at Los Angeles, California.

MELINDA A. GORDON

02/09/12

EXHIBIT A

DEC 02 2011

John A. Clarke, Executive Officer/Clerk  
BY Glorietta Robinson Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DAVID COPPEDGE, an Individual,  Plaintiff(s)	CASE NUMBER BC 435600
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,  Defendant(s).	JOINT FINAL STATUS CONFERENCE STATEMENT DEPARTMENT 54  Final Status Conference  Date: December 2, 2011 Time: 9:00 a.m. Place: Dept. 59

(Form Rev. 9/10)

**THIS JOINT FINAL STATUS CONFERENCE STATEMENT MUST BE COMPLETED AND COMPLIED WITH BY ALL PARTIES AND FILED AND SERVED TWO COURT DAYS PRIOR TO THE HEARING DATE.**  
(Courtesy copies to be lodged in Dept. 54)  
**FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING DISMISSAL OR THE STRIKING OF PLEADINGS.**

(If the space provided for any response is insufficient, attach additional pages as needed)

PLEASE SEE ATTACHED JOINT STIPULATION.

THE PARTIES TO THE ABOVE ENTITLED ACTION SUBMIT THE FOLLOWING JOINT STATEMENT FOR CONSIDERATION BY THE COURT AT THE FINAL STATUS CONFERENCE SET	TIME ESTIMATES FOR TRIAL: <input checked="" type="checkbox"/> JURY <input type="checkbox"/> NON-JURY PLAINTIFF'S CASE <u>10 days</u> DEFENDANT'S CASE <u>7 days</u> TOTAL TIME FOR TRIAL <u>19 days</u>
---	---

Pursuant to Los Angeles Superior Court Local Rule 7.9(h), the parties represent to the court that at least 5 days prior to this conference they have exchanged and filed:

- a. List of premarked exhibits to be used at trial (exhibits anticipated in good faith to be used solely for impeachment may not be listed). The exhibits shall be marked sequentially by the use of arabic numerals. Each party shall be allocated a block of numbers. Whenever possible, documentary exhibits consisting of more than one page shall be internally paginated in sequential numerical order. See LR 8.60 8.63.
- b. Jury instruction requests. A party requesting any printed CACI instruction need only file and serve with the court clerk a list specifying the same. However, if a party requests changes, the printed CACI form shall be presented reflecting the changes.
- c. Trial witness lists designating the type of witness, such as, percipient, treating physician, or for example expert Re: "economic damages".
- d. Proposed short statement of the case, prepared jointly by all parties, to be read to the jury panel in explaining the case. If parties cannot agree to a statement, submit a separate statement.
- e. Trial preparation motions and dispositive motions, other than summary judgment motions, including motion in limine or bifurcation motion, with timely statutory notice for moving and responding papers, so as to be heard on the day of this final status conference. Motion in limine are designed by party and sequentially, for example, "Plaintiff's motion in limine No. 1".

Failure to exchange and file these items may result in not being able to call witnesses, present exhibits at trial, or have a jury trial. If actual trial does not commence within 30 days of the set trial date, any party has the right to request a modification of any final status conference order or any previously submitted required exchange list.

- f. Each party has made a good faith settlement demand or offer but the parties have been unable to settle.

DATED: Dec 2, 2011

C. H. Fox - see attached stip  
Attorney for Defendant  
California Institute of Technology et al

see attached stip  
Attorney for Plaintiff  
David Coppedge.

\_\_\_\_\_  
Attorney for

\_\_\_\_\_  
Attorney for

# EXHIBIT A

1 PAUL HASTINGS LLP  
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2 jameszapp@paulhastings.com  
CAMERON W. FOX (SB# 218116)  
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MELINDA A. GORDON (SB# 254203)  
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8 Attorneys for Defendant  
CALIFORNIA INSTITUTE OF TECHNOLOGY

9 THE BECKER LAW FIRM  
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10 11500 Olympic Blvd., Suite 400  
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11 Telephone: (310) 636-1018  
Facsimile: (310) 765-6328  
12

13 Attorneys for Plaintiff  
DAVID COPPEDGE

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES  
16

17 DAVID COPPEDGE, an Individual,  
18 Plaintiff,

19 vs.

20 JET PROPULSION LABORATORY,  
form unknown; CALIFORNIA  
21 INSTITUTE OF TECHNOLOGY, form  
unknown; GREGORY CHIN, an  
22 Individual; CLARK A. BURGESS, an  
Individual; KEVIN KLENK, an Individual;  
23 and DOES 1 through 25, inclusive,

24 Defendants.  
25  
26  
27  
28

CASE NO. BC 435600

**JOINT STIPULATION REGARDING  
PRETRIAL DEADLINES;  
[PROPOSED] ORDER THEREON**

Trial Date:	December 14, 2011
Place:	Department 54
Judge:	Hon. Ernest M. Hiroshige



1 WHEREAS, the parties worked diligently around *and during* the Thanksgiving  
2 holiday to (1) meet and confer over their motions in limine, and (2) prepare, file and exchange  
3 those motions;  
4

5 WHEREAS, the parties informally agreed to the following briefing schedule for  
6 motions in *limine*: Motions in *limine* to be filed on or before November 30, 2011, Oppositions to  
7 motions in *limine* to be filed on or before December 7, 2011, and Replies to motions in *limine* to  
8 be filed on or before December 13, 2011;  
9

10 WHEREAS, the parties were unable to meet the timing requirements of LASC  
11 Local Rule 7.9(h) due to the Court's reversal of much of its tentative ruling on November 18,  
12 2011, and therefore the parties also agreed to exchange Jury Instruction Requests and Short  
13 Statements of the Case on December 1, 2011, and to file those documents, as well as the parties'  
14 Joint Exhibit List and Joint Witness List on December 2, 2011;  
15

16 WHEREAS, the parties' have complied fully with the agreed-upon schedules  
17 stated above;  
18

19 IT IS HEREBY STIPULATED by the parties, through their respective counsel, as  
20 follows:  
21

22 1. The briefing schedule for motions in *limine* in the above-captioned case is:  
23 Motions in *limine* to be filed on or before November 30, 2011, Oppositions to motions in *limine*  
24 to be filed on or before December 7, 2011, and Replies to motions in *limine* to be filed on or  
25 before December 13, 2011;  
26

27 2. The deadline for filing Jury Instruction Requests, Short Statements of the Case,  
28 and the parties' Joint Exhibit List and Joint Witness List is December 2, 2011.



1 DATED: December 2011

PAUL HASTINGS LLP  
JAMES A. ZAPP  
CAMERON W. FOX  
MELINDA A. GORDON

2  
3  
4 By: Cw fox

CAMERON W. FOX

5 Attorneys for Defendant  
6 CALIFORNIA INSTITUTE OF TECHNOLOGY

7 DATED: \_\_\_\_\_, 2011

THE BECKER LAW FIRM  
WILLIAM J. BECKER

8  
9 William J Becker Jr, Esq

By: \_\_\_\_\_

WILLIAM J. BECKER

10 Attorney for Plaintiff  
11 DAVID COPPEDGE

12 **PROPOSED ORDER ON JOINT STIPULATION**

13 Based on the parties' stipulation and good cause appearing therefore,

14 **IT IS HEREBY ORDERED** that:

15 1. The briefing schedule for motions in *limine* in the above-captioned case is:

16 Motions in *limine* to be filed on or before November 30, 2011, Oppositions to motions in *limine*  
17 to be filed on or before December 7, 2011, and Replies to motions in *limine* to be filed on or  
18 before December 13, 2011;

19 2. The deadline for filing Jury Instruction Requests, Short Statements of the Case,  
20 and the parties' Joint Exhibit List and Joint Witness List is December 2, 2011.  
21

22 Dated: \_\_\_\_\_

Hon. Ernest M. Hiroshige  
Judge of the Superior Court

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 CITY OF LOS ANGELES AND COUNTY OF LOS ) ss:  
4 ANGELES )

5 I am employed in the City of Los Angeles and County of Los Angeles, State of  
6 California. I am over the age of 18, and not a party to the within action. My business address is  
515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071.

7 On December 2, 2011, I served the foregoing document(s) described as:

8 **JOINT STIPULATION REGARDING PRETRIAL DEADLINES; [PROPOSED] ORDER**  
9 **THEREON**

10 on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) to the  
following:

11 William J. Becker, Jr., Esq.  
12 THE BECKER LAW FIRM  
13 c/o Los Angeles Superior Court  
111 North Hill Street, Dept. 54  
Los Angeles, CA 90012

Attorney for Plaintiff  
DAVID COPPEDGE

14 ☒ **VIA PERSONAL DELIVERY:**

15 I personally delivered such sealed envelope(s) by hand to the addressee pursuant to  
16 CCP § 1011.

17 I declare under penalty of perjury under the laws of the State of California that the  
18 above is true and correct and was executed on December 2, 2011, at Los Angeles, California.

19 Cameron Fox  
20 Print Name

21 Civ Fox  
22 Signature

23  
24  
25  
26  
27  
28  
PROOF OF PERSONAL SERVICE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA }  
3 CITY OF LOS ANGELES AND COUNTY OF LOS } ss:  
4 ANGELES }

5 I am employed in the City of Los Angeles and County of Los Angeles, State of  
6 California. I am over the age of 18, and not a party to the within action. My business address is  
515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071.

7 On December 2, 2011, I served the foregoing document(s) described as:

8 **JOINT FINAL STATUS CONFERENCE STATEMENT DEPARTMENT 54**

9 on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) to the  
10 following:

11 William J. Becker, Jr., Esq. Attorney for Plaintiff  
12 THE BECKER LAW FIRM DAVID COPPEDGE  
13 c/o Los Angeles Superior Court  
111 North Hill Street, Dept. 54  
Los Angeles, CA 90012

14 ☒ **VIA PERSONAL DELIVERY:**

15 I personally delivered such sealed envelope(s) by hand to the addressee pursuant to  
16 CCP § 1011.

17 I declare under penalty of perjury under the laws of the State of California that the  
18 above is true and correct and was executed on December 2, 2011, at Los Angeles, California.

19 Cameron Fox  
20 Print Name

21 Cw Fox  
22 Signature

02/09/12

EXHIBIT B

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

EX.B

12:14:47 1 Q BY MR. ZAPP: All right. And let me just  
12:14:48 2 go back then and ask you with respect to the  
12:14:52 3 disciplinary process, as I understand it -- and  
12:14:55 4 we'll go through this in more depth, but as I  
12:14:57 5 understand it, you had the meeting with Mr. Chin on  
12:15:01 6 March 2; correct?

12:15:02 7 A Yes.

12:15:03 8 Q You met with Ms. Huntley on March 5 of  
12:15:06 9 2009; correct?

12:15:07 10 A I believe so.

12:15:09 11 Q And did Ms. Huntley treat you in a  
12:15:12 12 professional manner during that meeting?

12:15:14 13 A Yes.

12:15:16 14 Q And then the next meeting you had regarding  
12:15:18 15 any of this took place on April 13 of 2009; is that  
12:15:23 16 correct?

12:15:26 17 A I was communicating --

12:15:30 18 MR. BECKER: Wait a second. The question  
12:15:32 19 is the next meeting occurred --

12:15:34 20 Q BY MR. ZAPP: The next meeting that took  
12:15:35 21 place with respect to the incident involving  
12:15:37 22 Mr. Chin was on April 13, 2009?

12:15:43 23 MR. BECKER: Vague, ambiguous as to the  
12:15:45 24 meeting with Mr. Chin.

12:15:47 25 Q BY MR. ZAPP: Okay. Let's back up. All.

12:07:35 1 Q What did you tell her about Proposition 8  
12:07:36 2 materials with Scott Edgington?

12:07:40 3 A ~~I just~~ again, I was being as frank and  
12:07:42 4 ~~open as possible with Mr. Huntley about the situation.~~  
~~open about everything, and that was a case where he~~  
12:07:44 5 reacted very negatively because he had strong  
12:07:47 6 feelings about it. ~~And I did~~ I had no way of  
12:07:50 7 knowing this in advance, but he was apparently a  
12:07:58 8 very strong opponent of Prop 8. I didn't know that.  
12:08:02 9 And when I just offered him, "Well, wouldn't you  
12:08:04 10 like to at least just read what it's about and what  
12:08:07 11 it says?" I pursued that with a few questions, and  
12:08:10 12 he engaged me with his reasons why not and why he  
12:08:14 13 didn't believe it.

12:08:14 14 And we got into a conversation about it for  
12:08:21 15 some time that did become a little bit heated to the  
12:08:23 16 point where the next day, I went to him and said,  
12:08:30 17 you know -- I had never had any conflict with Scott  
12:08:32 18 before. In fact, I enjoyed talking about his  
12:08:36 19 scientific instrument. He works on the Cassini  
12:08:39 20 infrared spectrometer instrument. We had always had  
12:08:47 21 pleasant conversations up to that one meeting.

12:08:53 22 And it kind of surprised me how  
12:08:56 23 argumentative he got about it. ~~I~~ It got to the  
12:08:58 24 point where I backed off and realized nothing is  
12:09:00 25 being gained here. So I ~~just cut it off.~~ <sup>ended the conversation as discreetly</sup>  
~~and respectfully as I could.~~

12:09:03 1 The next day I said, "Scott, I ~~just~~ want to  
12:09:07 2 reaffirm to you that I consider you a friend. And I  
12:09:09 3 think yesterday's conversation got a little heated,  
12:09:13 4 and I just wanted you to know I appreciate you and  
12:09:16 5 I'm sorry for that. And will you forgive me?"

12:09:19 6 He stood up and spontaneously shook my hand  
12:09:24 7 as if he really appreciated my having the guts to do  
12:09:27 8 that.

12:09:27 9 Q You described him as being argumentative.  
12:09:30 10 Were you argumentative in the discussion?

12:09:31 11 A Well, I became argumentative when he became  
12:09:33 12 argumentative. It got into one of those human  
12:09:36 13 give-and-take situations where you disagree on a  
12:09:40 14 topic and you're giving your side, he's giving his  
12:09:46 15 side. I thought it was a mutual interaction.

12:09:53 16 Q Did Mr. Edgington have to tell you to leave  
12:09:56 17 his office?

12:09:57 18 A He claims he did, but I don't recall that.

12:10:01 19 Q So why don't you tell me as specifically as  
12:10:03 20 you can recall what -- exactly what you and  
12:10:05 21 Mr. Edgington said to each other.

12:10:10 22 A This was two years ago. My recollections  
12:10:15 23 are -- of specific things that were said are pretty  
12:10:19 24 vague right now. But there are common arguments for  
12:10:23 25 and against Prop 8, and those were pretty much



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.

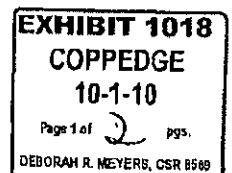
23   
24 DEBORAH R. MEYERS, CSR NO. 8569  
25

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 Jheraune 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."

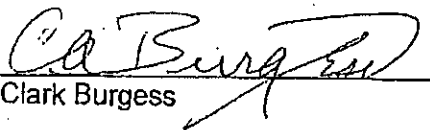


Based on the results of the investigation, it has become apparent that your behavior in the workplace is perceived as unwelcome and unprofessional. This type of behavior is inconsistent with a professional business environment and will not be tolerated in the future.

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)

1018-2

DAVID COPPEDGE DEPOSITION : DAY 2, 10/01/2010 : CHANGES

PAGE/LINE	ORIGINAL	CHANGE TO:
268:13	before I -- before	before
269:8	Cassini -- the lead Cassini ace	lead Cassini ACE.
270:4	funny suits	bunny suits
271:3	ten work -- years	ten years
271:23	meeting that -- where we	meeting where we
272:16	right -- written on the white board behind her.	written on the white board right behind her.
272:25	would -- or nothing Greg said -- Greg was	or Greg could say helped. Greg was
273:8	he or I	she or I
273:14-16	So I just after, you know, saying my -- stating the facts as I was seeing them, left it in Greg's hands to resolve.	So after stating the facts as I understood them, I left it in Greg's hands to resolve.
275:13-17	I don't -- I think that Greg may have dismissed some of the parties in that team lead meeting and had me and Carroll and -- but at those times, that was work-related issues.	I believe Greg dismissed some of the team leads while a few of us continued the discussion with Carroll for a few more minutes.
282:25	No, he said strictly -- he -- I asked him,	I don't recall him saying that. I asked him,
287:12	agree	is
288:15-16	basically said evolution is science basically by consensus.	argued that evolution is science because the consensus accepts it as science.
288:21	but they -- SETI	but SETI
288:23	that the intelligent design thinking assumes also.	that ID supporters use.
290:11	I recalled he remembered	remembered [recalled is redundant]
290:23-24	I understand him -- understood him to mean that I -- he	I thought he
291:4-5	And making an unreasonable demand that any manager can make on any employee.	And making an unreasonable demand for any manager to impose on any employee.
316:25	Yeah.	Yes.
318:20	the March 2 -- it was March 2.	the March 2 confrontation with Greg.
320:16-18	And I can see especially in his position as the chief ethics officer, especially, that he has to be especially careful.	I can see in his position as the chief ethics officer that he has to be especially careful.
320:22	in obedience--obedience	in obedience
321:18	There's only individual cases.	There are only individual situations.
323:11-13	The liberals who, you know, believe on certain issues tend to believe other issues similarly.	People who take a liberal position on one issue are likely to have liberal opinions on other issues.
324:11-13	I think there was clearly Discovery Institute people who were interviewed in the film.	Various supporters of intelligent design were interviewed in the film; some of them were with the Discovery Institute.
326:1	I knew, I was	I knew,
329:13	defend what he	defend myself about what he

330:21	say,	correct any misperceptions I might have had by saying,
339:2	I just showed here what it was about.	I just showed her what they were about.
341:10	yeah	yes
342:21	discussing	to discuss
343:1-3	She asked -- well, she asked, "Well, what kind of conversations did you engage in with people?"	She asked what kind of political subjects I had discussed with coworkers.
343:4-5	And I told her about, you know, before the election there was Prop 8 material. I told her that	I described the Prop 8 material I had shared. And I also told her that
343:10	them. A list of people	them -- candidates
343:13-15	So I would go and do some research online and just, you know, indicate this is what this person believes, this is what -- so that coworkers could have some basis.	So I would research the candidates online, and indicate what they believed, so that voters could have some basis for voting knowledgeably.
343:15-19	And I -- on maybe two or three occasions, three at the most, I had handed out the results of my research to -- and they were usually very appreciative because they knew nothing about these candidates.	On maybe two or three occasions, three at most, I had handed out the results of my research to close coworkers. They were appreciative because they knew nothing about the candidates.
344: 12-17	Those were -- but I may have mentioned just in general that there were a few coworkers that at the end of the day before the election, I thought, you know, let's at least understand. I had -- I had handed it out to pretty much close coworkers and --	I told her that at the end of a work day before the election I handed out some information sheets describing Prop 8 and its purpose to a few coworkers.
345:3-4	I just -- again, I was being as frank and open about everything, and that	I was being as frank and open as possible with Ms Huntley about that situation. It
345:6-7	And I did -- I had	I had
345:23	I -- it	It
345:25	So I just cut it off.	So I ended the conversation as discreetly and respectfully as I could.
346:1	I just want	I want
347:21	defeated, yeah.	defeated, yes.
348:11	But some -- there was	But there was
349:20	and didn't -- and nothing	and nothing
350:1	questions that -- something like	questions, something like,
350:5	then when she made it sure -- I mean, this was all	then when she made it sure, I stopped. This was all within
350:10	Yeah.	Yes.
350:20	from the -- yes, on a	from the Yes on 8
355:25	talk about -- with	talk with
360:24	just a -- an	just an
364:21	From 1990 -- March 1997	From March 1997
365:3	Yes.	Notes consulted after the deposition show it was April 1999.
371:24	impression, yeah.	impression, yes.
373:3	that I was supposed to be --	that

373:7	And this was not just a --	And
373:10	the employee -- ER represent -- or	the
375:20-21	No, I don't think I -- he -- I don't remember -- if you can show me the -- I --	No, I don't think so. If I could see the document, it might refresh my memory.
379:9	And I was -- it was	And it was
380:14	making it -- putting me	putting me
381:8	something that was --	something
381:11	through -- without	without
382:1-2	reviews that -- one of my -- my	reviews. My
382:4	her -- one of the	the
382:14	I -- you know, I	I
382:17	And there were -- my employer reviews all	My employee reviews all
382:19	employer	employee
383:1-3	better. People -- he has done" -- not -- he didn't say bent over backwards but words to that effect, that "Dave has gone beyond the call of duty to solve these problems."	better. Dave has gone beyond the call of duty to solve these problems."
384:1-3	No. I mean, I never heard any names of -- but I know that Pam had the ability to gossip and spread -- poison the well	No. I never heard of anyone else saying that. I know that Pam had the ability to gossip and spread rumors, to poison the well
384:10	said -- and affirmed	affirmed
384:20	contend that it -- that she was the one that was	contend that she was the one who was
396:20	upfront	up front
396:24-25	that I was completely caught off guard by.	that caught me completely off guard.
406:11	That's a -- right.	That's right.
409:23	45 percent, rough estimate.	45 percent, rough estimate. [A recent Gallup poll shows the number has varied between 78 and 87 percent since 1982.]
410:25	Yeah, all right.	All right.
410:7	That's my understanding.	That's my understanding. [A recent Gallup poll shows that number as varied between 78 and 87 percent since 1982.]
411:10	Yes.	Yes. [A recent Gallup poll shows that number to be 16 percent.]
413:2	there's	there are
413:24	within that	overlapping it
414:2	within the belief	that overlap with
420:8-9	I was not -- his response	His response
422:17	I -- my pattern	My pattern
423:25	Yeah	Yes
424:1	sent mail	Sendmail
424:14-17	I don't know if anything -- any conversations occurred on the 14th or whatever. We were talking in the car on the way back because he drove me to that meeting. And -- but I know	I don't recall all our conversations except those I took notes on. We talked in the car on the way back because he drove me to that meeting. I know
428:2	Yeah.	[delete]

438:9	he was going -- it	it
443:1-2	project, which that's done to me right -- [Incomprehensible. Error?]	project,
444:2	That's a -- leaves	That leaves
445:20	and not, you know --	and
445:23	sorts	sort
446:25	for now.	for now. In retrospect, the letter also failed to mention any new assignment I was being given -- something that had been promised. This gave the impression I had no more important work to do.
446:25		The letter also stated I was "stepping down" from team lead, not stepping up or over to something else worthwhile for the program. The effect was to focus on my loss of prestige.
453:3	yeah	yes
454:10	Yeah	Yes
454:22	open to -- she	open to new ideas. She
455:13	to a -- to	to
455:24	Yes, he was -- that was	Yes; that was
456:14	It might have been from like criminal cases	He might work on criminal cases
457:6	funding is -- comes from NASA,	funding comes from NASA,

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

HOMAN ASSOCIATES  
CERTIFIED SHORTHAND REPORTERS  
4287 JACKSON AVENUE  
CULVER CITY, CALIFORNIA 90232  
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14:20:47 1 way, Kathryn Weld. I went to her and built a good  
14:20:51 2 relationship with her through several meetings. And  
14:20:54 3 she appreciated it, at least from all indications  
14:21:00 4 and her cheerfulness and her thanking me for coming  
14:21:04 5 to her. And I built a good bridge of communication  
14:21:07 6 with her. This is my pattern. Let's heal things,  
14:21:12 7 not maintain misperceptions.

14:21:16 8 MR. ZAPP: Let's have marked as  
14:21:16 9 Exhibit 1018 the two-page warning letter dated  
14:21:20 10 April 13, 2009. It's Bates -- well, this is  
14:21:24 11 non-Bates numbered because it reflects Mr. Burgess's  
14:21:29 12 signature, but it's a copy of the same one produced  
14:21:33 13 without signatures.

14 14 (Defendants' Exhibit 1018 was marked for  
15 15 identification by the reporter and is  
16 16 included herewith.)

14:21:34 17 THE WITNESS: May I add one comment before  
14:21:36 18 we proceed?

14:21:37 19 MR. BECKER: Yes, you may.

14:21:38 20 Q BY MR. ZAPP: Yes, go ahead.

14:21:38 21 A I looked through my notebooks, and from  
14:21:40 22 1996 through 2003, there was never any indication of  
14:21:43 23 people having a problem working with me. And I  
14:21:45 24 would have written it down if I knew about it. But  
14:21:47 25 when Pam Woncik started around that time, within a

14:21:50 1 few months, that's when these conflicts came up.

14:21:54 2 Q Do you have --

14:21:55 3 A And they --

14:21:55 4 Q Sorry. Go ahead.

14:21:56 5 A They lasted until she left. And then they

14:22:00 6 dropped precipitously, but there were still these

14:22:04 7 lingering bad feelings from what she had poisoned

14:22:08 8 the well about me.

14:22:10 9 Q Did you record in your notebooks when Greg

14:22:13 10 Chin would talk with you about the perceptions that

14:22:17 11 Julie Webster, Kathryn Weld, or other customers had

14:22:20 12 in working with you?

14:22:22 13 A Yes.

14:22:22 14 Q Okay. And did you capture accurately what

14:22:28 15 Mr. Chin told you on those occasions?

14:22:29 16 A I believe I did.

14:22:32 17 Q Okay. All right. You recognize

14:22:47 18 Exhibit 1018 as the warning letter that you

14:22:49 19 received?

14:22:49 20 A Yes.

14:22:51 21 Q Did you make any notes with respect to this

14:22:56 22 meeting?

14:22:58 23 A No, I recorded it.

14:23:05 24 Q When's the last time you listened to the

14:23:06 25 recording?

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  
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22 subscribed my name this 12th day of October, 2010.

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

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350:5	then when she made it sure -- I mean, this was all	then when she made it sure, I stopped. This was all within
350:10	Yeah.	Yes.
350:20	from the -- yes, on a	from the Yes on 8
355:25	talk about -- with	talk with
360:24	just a -- an	just an
364:21	From 1990 -- March 1997	From March 1997
365:3	Yes.	Notes consulted after the deposition show it was April 1999.
371:24	impression, yeah.	impression, yes.
373:3	that I was supposed to be --	that

373:7	And this was not just a --	And
373:10	the employee -- ER represent -- or	the
375:20-21	No, I don't think I -- he -- I don't remember -- if you can show me the -- I --	No, I don't think so. If I could see the document, it might refresh my memory.
379:9	And I was -- it was	And it was
380:14	making it -- putting me	putting me
381:8	something that was --	something
381:11	through -- without	without
382:1-2	reviews that -- one of my -- my	reviews. My
382:4	her -- one of the	the
382:14	I -- you know, I	I
382:17	And there were -- my employer reviews all	My employee reviews all
382:19	employer	employee
383:1-3	better. People -- he has done" -- not -- he didn't say bent over backwards but words to that effect, that "Dave has gone beyond the call of duty to solve these problems."	better. Dave has gone beyond the call of duty to solve these problems."
384:1-3	No. I mean, I never heard any names of -- but I know that Pam had the ability to gossip and spread -- poison the well	No. I never heard of anyone else saying that. I know that Pam had the ability to gossip and spread rumors, to poison the well
384:10	said -- and affirmed	affirmed
384:20	contend that it -- that she was the one that was	contend that she was the one who was
396:20	upfront	up front
396:24-25	that I was completely caught off guard by.	that caught me completely off guard.
406:11	That's a -- right.	That's right.
409:23	45 percent, rough estimate.	45 percent, rough estimate. [A recent Gallup poll shows the number has varied between 78 and 87 percent since 1982.]
410:25	Yeah, all right.	All right.
410:7	That's my understanding.	That's my understanding. [A recent Gallup poll shows that number as varied between 78 and 87 percent since 1982.]
411:10	Yes.	Yes. [A recent Gallup poll shows that number to be 16 percent.]
413:2	there's	there are
413:24	within that	overlapping it
414:2	within the belief	that overlap with
420:8-9	I was not -- his response	His response
422:17	I -- my pattern	My pattern
423:25	Yeah	Yes
424:1	sent mail	Sendmail
424:14-17	I don't know if anything -- any conversations occurred on the 14th or whatever. We were talking in the car on the way back because he drove me to that meeting. And -- but I know	I don't recall all our conversations except those I took notes on. We talked in the car on the way back because he drove me to that meeting. I know
428:2	Yeah.	[delete]

438:9	he was going -- it	it
443:1-2	project, which that's done to me right -- [Incomprehensible. Error?]	project,
444:2	That's a -- leaves	That leaves
445:20	and not, you know --	and
445:23	sorts	sort
446:25	for now.	for now. In retrospect, the letter also failed to mention any new assignment I was being given -- something that had been promised. This gave the impression I had no more important work to do.
446:25		The letter also stated I was "stepping down" from team lead, not stepping up or over to something else worthwhile for the program. The effect was to focus on my loss of prestige.
453:3	yeah	yes
454:10	Yeah	Yes
454:22	open to -- she	open to new ideas. She
455:13	to a -- to	to
455:24	Yes, he was -- that was	Yes; that was
456:14	It might have been from like criminal cases	He might work on criminal cases
457:6	funding is -- comes from NASA,	funding comes from NASA,

02/09/12



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

DAVID COPPEDGE, AN INDIVIDUAL, )

)

PLAINTIFF, )

)

VS. ) CASE NO. BC435600

)

JET PROPULSION LABORATORY, )

FORM UNKNOWN; ET AL., )

)

DEFENDANTS. )

)

**ORIGINAL**

DEPOSITION OF:

JHERTAUNE HUNTLEY

TUESDAY, FEBRUARY 15, 2011

FILE NO. 11-116

REPORTED BY:

TRACEY L. KUHLLIN

CSR NO. 7735

24 || A. SULLIVAN REPORTERS  
25 || COURT REPORTERS

2420 W. CARSON STREET, SUITE 210  
TORRANCE, CALIFORNIA 90501  
PHONE 310 • 787 • 4497  
FAX 310 • 787 • 1024

02/09/12

EX. C

1 A. YES.

2 Q. LET ME SHOW YOU WHAT'S BEEN PRODUCED BY COUNSEL  
3 AS DEFENDANT'S BATES NO. 109 AND ASK YOU IF THAT IS  
4 HANDWRITING YOU ARE FAMILIAR WITH.

5 A. YES.

6 Q. OKAY. WHY DON'T WE MARK THAT -- DO WE KNOW THE  
7 NEXT IN ORDER? I THINK IT'S 20.

8 (EXHIBIT 20 WAS MARKED FOR IDENTIFICATION.)

9 MR. BECKER: CARMEN, I DIDN'T BRING COPIES FOR  
10 YOU.

11 MS. FOX: CAMERON.

12 MR. BECKER: WHAT DID I JUST SAY?

13 MS. FOX: CARMEN.

14 MR. BECKER: AND SHE'S STACY TO ME TODAY. YOU  
15 ENDED UP ON THE LUCKY END OF THE STICK TODAY. NOW YOU  
16 WON'T TAKE IT PERSONALLY. I CAN'T BELIEVE I DID THAT.

17 MS. FOX: YOU DIDN'T CALL ME JIM. IT'S A STEP  
18 IN THE RIGHT DIRECTION.

19 MR. BECKER: I'M AFRAID OF WHAT I'M GOING TO  
20 CALL HIM.

21 DO YOU WANT TO GIVE THAT TO YOUR WITNESS TO  
22 LOOK AT.

23 WHAT WAS THE BATES NUMBER ON THAT AGAIN?

24 MS. FOX: 109, D 109.

25 BY MR. BECKER:

1 Q. DID YOU SAY YOU RECOGNIZE THAT HANDWRITING?

2 A. YES.

3 Q. IS THAT YOURS?

4 A. YES.

5 Q. CAN YOU READ IT INTO THE RECORD, PLEASE?

6 A. I CAN'T READ THE FIRST WORD. "DVD PROP 8" --

7 Q. DOES IT LOOKS LIKE, "GIVES HIM DVD"?

8 A. OKAY. "GIVES HIM DVD, PROP 8, HANDED OUT  
9 FLYERS, BELIEVES" -- "BELIEVES IN INTELLIGENT DESIGN,  
10 GOD CREATED, WANTED MANAGER, THREATENING, COPPEDGE,  
11 DAVID, PUBLIC PRESS RELEASES, ADVOCATED, NOTIFIED GROUP  
12 SUPERVISOR BURGESS, 173 AA, WHITNEY HAGGINS."

13 Q. OKAY. DOES THAT DOCUMENT REFRESH YOUR MEMORY  
14 AS TO WHAT MR. CHIN SAID ON HIS VOICE MAIL?

15 A. NO.

16 Q. IS IT YOUR UNDERSTANDING THAT THIS DOCUMENT  
17 REFLECTS NOTES THAT YOU WROTE DOWN BASED ON HIS VOICE  
18 MAIL ON MARCH 2, 2009?

19 A. NO.

20 Q. WHAT IS THIS DOCUMENT? WHAT DOES IT REFLECT?

21 A. A CONVERSATION WITH GREG CHIN.

22 Q. OKAY. SO THIS NOTE DOESN'T HAVE ANYTHING TO DO  
23 WITH THE VOICE MAIL ITSELF; RIGHT?

24 A. NO. THAT ISN'T THE DOCUMENT.

25 Q. THERE WAS SOME OTHER DOCUMENT?

Grassroots  
Pops - Handed out  
Beliefs - Beliefs in intelligent  
wanted. for  
Threatening  
Coppedge, David  
Public press releases  
ad vocates  
172  
Higgins  
Whitney  
Higgins

EXHIBIT  
20  
2-15-11  
FENGAD 800-631-6888

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES )

4 I, TRACEY KUHLIN, CSR No. 7735, a certified  
5 shorthand reporter in and for the County of Los Angeles,  
6 State of California, do hereby certify:

7 That prior to being examined, the witness named  
8 in the foregoing deposition was by me duly sworn to  
9 testify the truth, the whole truth, and nothing but the  
10 truth.

11 That said deposition was taken before me at the  
12 time and place set forth and was taken down by me in  
13 shorthand and thereafter reduced to computerized  
14 transcription under my direction and supervision, and I  
15 hereby certify that the foregoing deposition is a full,  
16 true and correct transcript of my shorthand notes so  
17 taken.

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

21 IN WITNESS WHEREOF, I have hereunto subscribed  
22 my name this 2nd th day of March,  
23 2011

24  
25

  
TRACEY KUHLIN, CSR No. 7735

02/09/12

1  
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
3 FOR THE COUNTY OF LOS ANGELES  
4

5 DAVID COPPEDGE, AN INDIVIDUAL, )  
6 PLAINTIFF, )

7 VS. )

) CASE NO.  
) BC 435600

8 JET PROPULSION LABORATORY, FORM )  
9 UNKNOWN; CALIFORNIA INSTITUTE )  
10 OF TECHNOLOGY, FORM UNKNOWN; )  
11 GREGORY CHIN, AN INDIVIDUAL; )  
12 CLARK A. BURGESS, AN INDIVIDUAL; )  
13 KEVIN KLENK, AN INDIVIDUAL; AND )  
14 DOES 1 THROUGH 25, INCLUSIVE, )  
15 DEFENDANTS. )

**ORIGINAL**

16  
17 DEPOSITION OF MARGARET WEISENFELDER,  
18 TAKEN ON MONDAY, FEBRUARY 28, 2011  
19  
20  
21  
22

23 REPORTED BY:  
24 HEIDI SULLIVAN  
25 CSR NO. 6600  
FILE NO.: 11-120

24 || A. SULLIVAN REPORTERS  
25 || COURT REPORTERS

2420 W. CARSON STREET, SUITE 210  
TORRANCE, CALIFORNIA 90501  
PHONE 310 • 787 • 4497  
FAX 310 • 787 • 1024

EX. 17

1 DIDN'T YOU THINK THE PRINCIPAL WAS GOING TO DO  
2 SOMETHING BAD TO THAT OTHER PERSON?

3 SO GIVEN THAT ANALOGY, DIDN'T YOU FEEL  
4 THAT BY GOING TO GREG CHIN, DAVID'S SUPERIOR, TO  
5 TATTLETALE ON SOMETHING DAVID DID, THAT YOU WOULD BE  
6 GETTING HIM IN SOME KIND OF EMPLOYMENT TROUBLE?

7 MS. FOX: OBJECTION TO THE PREAMBLE AS  
8 TESTIMONY. OBJECTION TO "EMPLOYMENT TROUBLE" AS  
9 VAGUE. ARGUMENTATIVE.

10 THE WITNESS: I WENT TO GREG TO DISCUSS THE  
11 TWO INCIDENTS WHICH CAUSED ME DISCOMFORT, WHICH IS  
12 THE APPROPRIATE ACTION TO DISCUSS WITH MY SUPERVISOR  
13 AND TO GET HIS ADVICE.

14 BY MR. BECKER:

15 Q. OKAY. AND HE TOLD YOU, "WHY DON'T YOU  
16 GO TO DAVID AND TELL HIM HOW YOU FEEL," DIDN'T HE?

17 MS. FOX: OBJECTION. MISCHARACTERIZES THE  
18 RECORD.

19 THE WITNESS: I DON'T REMEMBER THAT.

20 BY MR. BECKER:

21 Q. DIDN'T HE TELL YOU, "GO TALK TO DAVID"?

22 A. I DON'T REMEMBER THAT.

23 Q. NO.

24 WHAT DO YOU REMEMBER GREG TELLING YOU?

25 A. I REMEMBER HIM TELLING ME THAT I SHOULD

02/09/12



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A. NO.

MR. BECKER: ALL RIGHT. LET'S MARK AS THE  
NEXT EXHIBIT --

I BELIEVE WE'RE AT 31?

MR. COPPEDGE: YEAH.

MS. FOX: YES.

MR. BECKER: -- A TWO-PAGE DOCUMENT WITH  
BATES STAMPS DEFENDANT 94 AND 95.

TAKE A LOOK AT THAT AND LET ME KNOW WHEN  
YOU'RE DONE.

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

THE WITNESS: OKAY. I FINISHED READING.  
BY MR. BECKER:

Q. DO YOU REMEMBER MEETING WITH JHERTAUNE  
HUNTLEY?

A. YES, I DO.

Q. WAS MARCH 19, 2009, ABOUT THE TIME THAT  
YOU REMEMBER MEETING WITH HER?

A. IT WAS IN MARCH.

Q. DO YOU REMEMBER MEETING WITH HER ON MORE  
THAN ONE OCCASION?

A. NO.

Q. HAVE YOU TALKED TO HER SINCE THE ONE

1 A. NO.

2 Q. SO I PREFACED MY LAST QUESTION WITH "TO  
3 YOUR KNOWLEDGE."

4 MS. FOX: COUNSEL, YOU'RE ARGUING WITH THE  
5 WITNESS.

6 MR. BECKER: WELL, I DON'T UNDERSTAND THE  
7 MISUNDERSTANDING. I KEEP GETTING THIS QUALIFICATION,  
8 "WITH ME."

9 MS. FOX: THE WITNESS IS SIMPLY TRYING TO  
10 GIVE CLEAR TESTIMONY. THERE'S NO ISSUE HERE.

11 MR. BECKER: I WISH.

12 Q. IN THE LAST PARAGRAPH, IT STATES THAT  
13 YOU FELT HIS BEHAVIOR -- OR YOU "FEEL HIS BEHAVIOR IS  
14 INAPPROPRIATE."

15 AND YOU'RE TALKING THERE ABOUT BOTH  
16 INSTANCES, THE PROP 8 DISCUSSION AND THE DVD; IS THAT  
17 RIGHT? YOU FEEL THAT BEHAVIOR IS INAPPROPRIATE?

18 MS. FOX: OBJECTION. MISCHARACTERIZES THE  
19 TESTIMONY AS TO THE DVD.

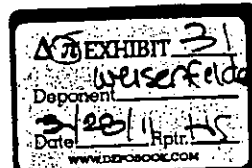
20 THE WITNESS: WELL, IT WAS THE DISCUSSION  
21 ABOUT PROPOSITION 8 AND THE STICKY NOTE ON THE DVD,  
22 NOT THE CONTENT OF THE DVD.

23 BY MR. BECKER:

24 Q. DID ANYBODY EVER COME TO YOU DURING THE  
25 TRANSITION FROM MSSO TO WHATEVER IT'S CALLED TODAY --

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 known 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 <sup>probably should</sup> ~~should~~ not talk about political issues during work 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 weekend) 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/ JPLC's names on it. The sticky note had the words "Try Again" by some of the names. The only name she recognized was Pat. Margaret did not want to get into a discussion w/ David about the DVD so she waited until he was not



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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 his 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 <sup>(David's)</sup> 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 wrk place. Margaret then reminds me that she is an ordained minister (Christian) and feels his behavior is inappropriate.

D000000095

1 STATE OF CALIFORNIA )

2 COUNTY OF LOS ANGELES )

3

4

5 I, HEIDI SULLIVAN, A CERTIFIED SHORTHAND REPORTER  
6 LICENSED BY THE STATE OF CALIFORNIA, CERTIFY:

7

8 THAT THE FOREGOING DEPOSITION OF Margaret Weisenfelder  
9 WAS TAKEN BEFORE ME PURSUANT TO NOTICE

10 AT THE TIME AND PLACE THEREIN SET FORTH, AT WHICH TIME  
11 THE WITNESS WAS PUT UNDER OATH BY ME;

12

13 THAT THE TESTIMONY OF THE WITNESS AND ALL OBJECTIONS  
14 MADE AT THE TIME OF THE EXAMINATION WERE RECORDED  
15 STENOGRAPHICALLY BY ME AND WERE THEREAFTER  
16 TRANSCRIBED;

17

18 THAT THE FOREGOING IS A TRUE RECORD OF THE TESTIMONY  
19 AND OF ALL OBJECTIONS AT THE TIME OF THE EXAMINATION.

20

21 IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME THIS

22 22 DAY OF March, 2011.

23

24

25

Heidi Sullivan

LICENSE NUMBER 6600

Paul Hastings

Paul, Hastings, Janofsky & Walker LLP  
515 South Flower Street  
Twenty-Fifth Floor  
Los Angeles, CA 90071  
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(213) 683-6301  
cameronfox@paulhastings.com

April 22, 2011

13365.00018

VIA ELECTRONIC MAIL

William J. Becker, Jr., Esq.  
The Becker Law Firm  
11500 Olympic Blvd., Suite 400  
Los Angeles, CA 90064

Re: *Coppedge v. Jet Propulsion Laboratory, et al.*  
Los Angeles Superior Court Case No. BC435600

Dear Bill:

Please be advised that Margaret Weisenfelder signed the original of her deposition transcript on April 7, 2011. The following corrections have been made:

<u>Page:Line</u>	<u>Reads</u>	<u>Should Read</u>
22:15	"design of creation"	"design of creation."
22:16	"effectively"	"Effectively..."
121:1	"I didn't."	"I didn't feel comfortable."
126:5	"That's it."	"That's all I can recall."
141:16	"on my work. It was the best"	"on my work. My response to Dave was the best"

Paul Hastings

William J. Becker, Jr., Esq.  
April 22, 2011  
Page 2

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,

A handwritten signature in cursive script that reads "Cameron W. Fox". The signature is written in dark ink and is positioned above the printed name and firm name.

Cameron W. Fox  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

CWF:cwf

LEGAL\_US\_W # 67836313.1

02/09/12

EXHIBIT E



1  
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
3 FOR THE COUNTY OF LOS ANGELES  
4

5 DAVID COPPEDGE, AN INDIVIDUAL, )  
6 PLAINTIFF, )  
7 VS. ) CASE NO.  
8 JET PROPULSION LABORATORY, FORM ) BC 435600  
9 UNKNOWN; CALIFORNIA INSTITUTE )  
10 OF TECHNOLOGY, FORM UNKNOWN; )  
11 GREGORY CHIN, AN INDIVIDUAL; )  
12 CLARK A. BURGESS, AN INDIVIDUAL; )  
13 KEVIN KLENK, AN INDIVIDUAL; AND )  
14 DOES 1 THROUGH 25, INCLUSIVE, )  
15 DEFENDANTS. )  
16

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**ORIGINAL**

DEPOSITION OF SCOTT EDGINGTON,

TAKEN ON TUESDAY, FEBRUARY 22, 2011

23 REPORTED BY:  
24 HEIDI SULLIVAN  
25 CSR NO. 6600  
FILE NO.: 10-117

24 || A. SULLIVAN REPORTERS  
25 || COURT REPORTERS

2420 W. CARSON STREET, SUITE 210  
TORRANCE, CALIFORNIA 90501  
PHONE 310 • 787 • 4497  
FAX 310 • 787 • 1024

02/09/12

EX. E

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 MR. BECKER: LET ME KNOW WHEN YOU'RE DONE.

2 THE WITNESS: I'M DONE.

3 BY MR. BECKER:

4 Q. DO YOU RECALL MEETING WITH JHERTAUNE  
5 HUNTLEY ON MARCH 20TH, 2009?

6 A. YES, I DO.

7 Q. WHERE WAS THAT MEETING?

8 A. IT WAS IN THE HUMAN RESOURCES DEPARTMENT.

9 Q. DID SHE TELL YOU WHY YOU WERE SUMMONED TO  
10 HUMAN RESOURCES FOR THAT MEETING?

11 A. SHE HAD TOLD ME THAT THERE WAS AN ISSUE  
12 WITH DAVE COPPEDGE AND THAT THEY WANTED TO GET MY  
13 STATEMENT ON ANY INTERACTIONS THAT I HAVE HAD WITH  
14 HIM.

15 Q. PRIOR TO THAT MEETING, HAD YOU HAD A  
16 CONVERSATION WITH CARMEN VETTER RELATING TO DAVID?

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

18 THE WITNESS: PRIOR TO THAT, YES.

19 BY MR. BECKER:

20 Q. MORE THAN ONE OR JUST ONE?

21 A. JUST ONE.

22 Q. WHAT WAS THE NATURE OF THAT CONVERSATION?

23 A. IT WAS AS A RESULT OF THE INCIDENT WHERE  
24 DAVID CAME TO TALK TO ME ABOUT PROPOSITION 8, AND IT  
25 WAS SHORTLY AFTER THAT INTERACTION THAT CARMEN CAME TO

1 MR. BECKER: LET ME KNOW WHEN YOU'RE DONE.

2 THE WITNESS: I'M DONE.

3 BY MR. BECKER:

4 Q. DO YOU RECALL MEETING WITH JHERTAUNE  
5 HUNTLEY ON MARCH 20TH, 2009?

6 A. YES, I DO.

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23 A. IT WAS AS A RESULT OF THE INCIDENT WHERE  
24 DAVID CAME TO TALK TO ME ABOUT PROPOSITION 8, AND IT  
25 WAS SHORTLY AFTER THAT INTERACTION THAT CARMEN CAME TO

1 VAGUE AS TO TIME.

2 BY MR. BECKER:

3 Q. DURING THIS CONVERSATION, DID CARMEN TAKE  
4 DOWN THE DETAILS OF WHAT OCCURRED FROM YOU?

5 A. I HAD TOLD HER WHAT HAD TRANSPIRED.

6 Q. IN OTHER WORDS, EVERYTHING YOU'VE JUST  
7 TOLD ME IS WHAT YOU TOLD HER?

8 A. YES.

9 Q. THAT DAVID CAME IN. YOU TALKED ABOUT  
10 OTHER THINGS -- SCIENCE, COMPUTERS -- AND THEN HE  
11 BROUGHT UP THE TOPIC OF PROP 8.

12 YOU TOLD HER THAT?

13 A. YES.

14 Q. AND YOU TOLD HER THAT DURING THE  
15 CONVERSATION, HE STARTED OUT INITIALLY REASONABLE, BUT  
16 WHEN YOU EXPRESSED YOUR DISAGREEMENT, HE BECAME MORE  
17 PASSIONATE OR MORE LOUDER IN HIS TONE; RIGHT?

18 MS. FOX: I'LL OBJECT TO THE EXTENT IT  
19 MISSTATES OR UNDERSTATES THE TESTIMONY.

20 THE WITNESS CAN ANSWER.

21 THE WITNESS: I TOLD HER WHAT HAD TRANSPIRED.

22 BY MR. BECKER:

23 Q. DID YOU TELL HER THAT?

24 A. YES.

25 Q. DID YOU TELL HER THAT YOU ASKED HIM TO

1 LEAVE TWO TIMES?

2 A. YES.

3 Q. DID YOU TELL HER THAT HE REFUSED TO  
4 LEAVE?

5 A. I MUST HAVE, YES.

6 MS. FOX: HE DOESN'T WANT YOU TO GUESS. TO  
7 THE BEST OF YOUR RECOLLECTION.

8 THE WITNESS: YES.

9 MS. FOX: ONLY IF YOU RECALL.

10 BY MR. BECKER:

11 Q. YOU UNDERSTAND THERE'S A DISTINCTION  
12 BETWEEN REFUSING TO LEAVE AND SIMPLY CARRYING ON THE  
13 ARGUMENT THROUGH TWO REQUESTS.

14 SO WAS HE SPECIFICALLY REFUSING TO LEAVE?

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

16 THE WITNESS: THE WORDS NEVER CAME OUT OF HIM,  
17 SAYING THAT HE WASN'T LEAVING.

18 BY MR. BECKER:

19 Q. BUT HE NEVER SAID, "I'M NOT LEAVING," DID  
20 HE?

21 A. NO.

22 Q. AND AFTER THE SECOND TIME -- BETWEEN THE  
23 FIRST TIME YOU ASKED HIM TO LEAVE AND THE SECOND TIME  
24 YOU ASKED HIM TO LEAVE, HOW MUCH TIME TRANSPIRED?

25 A. MOST OF A MINUTE OR TWO. I MEAN --

1 Q. OKAY.

2 A. I HAD A FEW CLASSES.

3 Q. WHAT IS YOUR UNDERSTANDING OF WHAT THE  
4 PHILOSOPHY OF SCIENCE IS?

5 MS. FOX: OBJECTION. OVERBROAD. IRRELEVANT.  
6 VAGUE.

7 THE WITNESS: WELL, THE PHILOSOPHY OF SCIENCE,  
8 THAT'S THE STUDY OF SCIENCE AND WHAT MAKES A SCIENCE  
9 WHAT IT IS.

10 THERE'S A LOT OF PHILOSOPHIES OUT THERE,  
11 AND UNTIL IT MEETS CERTAIN CRITERIA, THAT PHILOSOPHY  
12 CANNOT BE CONSIDERED A SCIENCE.

13 MR. BECKER: GIVE US FIVE MINUTES.

14 AND CAN YOU USE THIS TIME TO DETERMINE  
15 WHETHER YOU'RE GOING TO HAVE ANY QUESTIONS.

16 MS. FOX: YES.

17 WE'RE OFF THE RECORD?

18 MR. BECKER: YES.

19 (RECESS)

20

21 EXAMINATION

22 BY MS. FOX:

23 Q. DR. EDGINGTON, A MOMENT AGO YOU WERE  
24 TESTIFYING TO THE FACT THAT YOU HAD FELT THREATENED IN  
25 THIS MEETING WITH DAVID COPPEDGE.

1 DID YOU CONSIDER CALLING ANYONE TO ASSIST  
2 YOU IN THAT MEETING?

3 A. WELL, AFTER I FIRST ASKED HIM TO LEAVE, I  
4 WAS HEARING THE TONE IN HIS VOICE, SEEING HIS  
5 BEHAVIOR, AND I WAS SAYING TO MYSELF SHOULD I CALL  
6 SOMEONE IN TO ASSIST WITH, YOU KNOW, GETTING HIM TO  
7 LEAVE THE OFFICE.

8 Q. SPECIFICALLY, WHO DID YOU HAVE IN MIND?

9 A. WELL, MY FIRST THOUGHT WAS ANYONE WITHIN,  
10 YOU KNOW, HEARING RANGE.

11 THE OTHER WAS TO CALL SECURITY AND --  
12 YES.

13 Q. OKAY. WHY WERE YOU CONSIDERING THAT?

14 A. WELL, BASED ON HIS BEHAVIOR, I DID NOT  
15 KNOW HOW THE SITUATION WAS REALLY -- YOU KNOW, WHAT HE  
16 WOULD DO.

17 YOU KNOW, HE'S STANDING THERE, GOING  
18 THROUGH HIS ARGUMENTS AND, YOU KNOW, TALKING IN A  
19 LOUDER TONE TO ME. HERE I AM SITTING AT MY DESK. I  
20 DIDN'T KNOW HOW THINGS WOULD PLAY OUT, WHETHER HE  
21 WOULD LEAVE OR NOT.

22 SO I WAS THINKING, OKAY, MAYBE SECURITY  
23 MIGHT BE THE PROPER THING TO DO.

24 Q. DID YOU IN THE END CALL SECURITY OR  
25 ANYBODY OUTSIDE YOUR OFFICE FOR HELP?



1 A. NO, I DID NOT BECAUSE BY-THE SECOND TIME  
2 I ASKED HIM TO LEAVE, HE HAD LEFT THE OFFICE.

3 MS. FOX: NO FURTHER QUESTIONS.

4  
5 FURTHER EXAMINATION

6  
7 BY MR. BECKER:

8 Q. HAVE YOU EVER HAD ARGUMENTS WITH PEOPLE  
9 PRIOR TO DAVID COPPEDGE?

10 MS. FOX: OBJECTION. VAGUE AS TO TIME.  
11 OVERBROAD.

12 AT JPL, YOU MEAN?

13 MR. BECKER: ANYWHERE.

14 Q. HAVE YOU EVER GOTTEN INTO ARGUMENTS WITH  
15 PEOPLE?

16 MS. FOX: VAGUE AS TO "ARGUMENTS."

17 BY MR. BECKER:

18 Q. YOU'VE NEVER GOTTEN IN AN ARGUMENT WITH  
19 ANYBODY?

20 A. NOTHING TO THIS LEVEL.

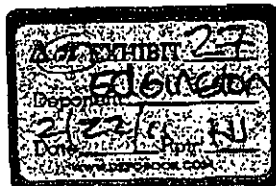
21 Q. REALLY? THIS WAS THE BIGGEST ARGUMENT  
22 YOU'VE EVER DEALT WITH?

23 A. YES.

24 Q. AND IT LASTED FIVE TO TEN MINUTES?

25 A. YES.

3.20.09 ~ Participant in Mtg ~ M. Cardenas & J. Huntley w/ S. Edington  
Mtg w/ Scott Edington re. David Coppedge complaint  
Scott stated that David approached him one day during  
wrk hrs (during the national elections) and asked if he  
could talk to him about Proposition 8. Scott stated  
that they had chatted about sports on prior occasions  
so he did not think much of it and agreed to what he  
thought would be a short discussion.  
Scott stated that David discussed his viewpoint  
on the Proposition and asked if Scott agreed. When  
Scott replied that he did not agree David became  
more passionate about his viewpoint and kept  
going about his personal views. Scott thought that  
David was going to stop but he kept talking and  
was becoming increasingly upset about Scott's  
stance on Prop 8. Per Scott, David at one point  
stated, "he must be against having children." Scott  
had to ask David to leave his office and he left.  
The next day, David approached Scott and apologized for  
his behavior and stated that he did not want their  
heated conversation to come between them. Scott accepted  
his apology. Scott told David that <sup>you have your</sup> ~~he has his~~  
opinion and I have mine.  
Scott stated that this was the 1st time he had been  
approached by David about his religious and/or political  
beliefs. Scott only works w/ David on computer related  
issues. Other than that, he really does not have any  
contact w/ him.



0000000093

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES )  
3  
4

5 I, HEIDI SULLIVAN, A CERTIFIED SHORTHAND REPORTER  
6 LICENSED BY THE STATE OF CALIFORNIA, CERTIFY:

7  
8 THAT THE FOREGOING DEPOSITION OF Scott Edgington  
9 WAS TAKEN BEFORE ME PURSUANT TO Notice  
10 AT THE TIME AND PLACE THEREIN SET FORTH, AT WHICH TIME  
11 THE WITNESS WAS PUT UNDER OATH BY ME;

12  
13 THAT THE TESTIMONY OF THE WITNESS AND ALL OBJECTIONS  
14 MADE AT THE TIME OF THE EXAMINATION WERE RECORDED  
15 STENOGRAPHICALLY BY ME AND WERE THEREAFTER  
16 TRANSCRIBED;

17  
18 THAT THE FOREGOING IS A TRUE RECORD OF THE TESTIMONY  
19 AND OF ALL OBJECTIONS AT THE TIME OF THE EXAMINATION.

20  
21 IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME THIS  
22 10th DAY OF MARCH, 2011

23  
24 Heidi Sullivan

25 LICENSE NUMBER 6600

Atlanta  
Beijing  
Brussels  
Chicago  
Frankfurt  
Hong Kong  
London  
Los Angeles  
Milan  
New York  
Orange County  
Palo Alto  
Paris  
San Diego  
San Francisco  
Shanghai  
Tokyo  
Washington, DC

(213) 683-6301  
cameronfox@paulhastings.com

April 14, 2011

13365.00018

VIA HAND DELIVERY

William J. Becker, Jr., Esq.  
The Becker Law Firm  
11500 Olympic Blvd., Suite 400  
Los Angeles, CA 90064

Re: *Coppedge v. Jet Propulsion Laboratory, et al.*  
Los Angeles Superior Court Case No. BC435600

Dear Bill:

Please be advised that Scott Edgington signed the original of his deposition transcript on April 7, 2011. The following corrections have been made:

<u>Page:Line</u>	<u>Reads</u>	<u>Should Read</u>
19:19	"profession"	"professional"
22:2	"Uh-huh."	"Yes."
44:19	"Yes."	"Yes, the claim that it would be harmful to kids."
46:13	"Yes."	"Yes, the claim that it would be harmful to kids."
47:10	"recall."	"recall at this time."
47:23	"which restated the propaganda."	"which he restated the propaganda."

Paul Hastings

William J. Becker, Jr., Esq.

April 14, 2011

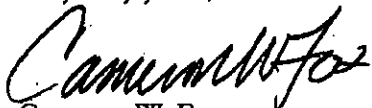
Page 2

55:5	"debated."	"debated by society."
67:5	"David had"	"Yes, David had"
67:13	"Oh. And I was"	"And I was"
71:24	"But I don't know the counter – different"	"But I know – different"
76:10	"I did not."	"I did not, as far as I recall."
76:23	"No, I did not."	No, I did not say "having."
99:4	"Yes."	Yes, I told Carmen and Carmen did."

For your convenience, I have enclosed a copy of Mr. Edgington's original deposition transcript with changes.

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,



Cameron W. Fox

for PAUL, HASTINGS, JANOFSKY & WALKER LLP

CWF:cwf

Enclosure

LEGAL\_US\_W # 67733182.1

02/09/12

1 PAUL, HASTINGS, JANOFSKY & WALKER LLP  
JAMES A. ZAPP (SB# 94584)  
2 CAMERON W. FOX (SB# 218116)  
MELINDA A. GORDON (SB# 254203)  
3 515 South Flower Street  
Twenty-Fifth Floor  
4 Los Angeles, CA 90071-2228  
Telephone: (213) 683-6000  
5 Facsimile: (213) 627-0705

**CONFORMED COPY  
OF ORIGINAL FILED**  
Los Angeles Superior Court

JUL 01 2011

6 Attorneys for Defendant  
7 CALIFORNIA INSTITUTE OF TECHNOLOGY

John A. Clarke, Executive Officer/Clerk  
By A.E. LaFleur-Clayton, Deputy

8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

11  
12 DAVID COPPEDGE, an Individual,  
13 Plaintiff,

14 vs.

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

19 Defendants.

CASE NO. BC435600

**DECLARATION OF JHERTAUNE  
HUNTLEY IN SUPPORT OF DEFENDANT  
CALIFORNIA INSTITUTE OF  
TECHNOLOGY'S MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION OF ISSUES**

Date: September 16, 2011  
Time: 8:30 a.m.  
Dept: 54

Trial Date: October 19, 2011

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1 because the back of a DVD Coppedge had given her about intelligent design had a post-it note  
2 listing JPL co-workers (the list had a notation "Try Again" beside one of the names). Chin also  
3 informed me that another Cassini employee, Carmen Vetter, had told him that she felt  
4 uncomfortable because of Coppedge's discussing his religious views in the workplace.  
5

6 7. During my interview with Coppedge, he volunteered that he had discussed  
7 Proposition 8 with another Cassini employee, Scott Edgington, and that their conversation had  
8 become so heated that Coppedge had apologized the next day for his behavior.  
9

10 8. I then individually interviewed Weisenfelder, Vetter, and Edgington.  
11

12 9. During my interview with Weisenfelder, she described the two incidents  
13 she reported to Chin. She explained that Coppedge's persistence in their discussion made her feel  
14 uncomfortable and that she felt he stepped over the line by discussing politics and religion during  
15 work hours.  
16

17 10. During my interview with Vetter, she told me that she felt harassed by  
18 Coppedge several years earlier when he insisted that she change the name of the Cassini Holiday  
19 Potluck to a "Christmas Potluck." Coppedge had been so persistent that she had asked Chin to  
20 make Coppedge stop.  
21

22 11. During my interview with Edgington, he described an incident in which  
23 Coppedge made an uninvited visit to Edgington's office to discuss Proposition 8. Edgington  
24 explained that during the discussion, Coppedge insulted him by saying that he "must be against  
25 having children" because he disagreed with Coppedge's view on the proposition. Edgington had  
26 to ask Coppedge more than once to leave his office.  
27  
28

1                   12.     Based on my investigation, I concluded that Coppedge's behavior in these  
2 incidents violated two Caltech policies: (1) Caltech's Unlawful Harassment Policy, and the  
3 (2) Ethics and Business Conduct Policy. True and correct copies of these policies are attached as  
4 **Exhibit A and Exhibit B** hereto.

5  
6                   13.     JPL employees have online access to the Unlawful Harassment Policy and  
7 the Ethics and Business Conduct Policy.

8  
9                   14.     I recommended that Coppedge receive a written warning for his conduct.  
10 Both Clark Burgess and Kevin Klenk agreed with my recommendation. Burgess (with Klenk  
11 present) gave Coppedge the written warning on or about April 13, 2009.

12  
13                   15.     On May 1, 2009, Coppedge sent a letter to Human Resources requesting an  
14 appeal of his written warning. Human Resources provided Coppedge's appeal request to Klenk  
15 for review as the next step in the process. As part of the appeal process, Klenk had several  
16 conversations with me about my investigation.

17  
18                   16.     I consider myself to be Christian. I am Protestant. I attend church at First  
19 Church of God, located in Los Angeles, California.

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

22  
23                   Executed on June 29, 2011 at Pasadena, California.

24  
25                     
26                   HERTAUNE HUNTLEY

27                   LEGAL\_US\_W # 68285723

28

**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 February 9, 2012, I served the foregoing document(s) described as:

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO. 2 TO EXCLUDE REFERENCES TO PROPOSITION 8**

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](mailto:bbeckerlaw@gmail.com)

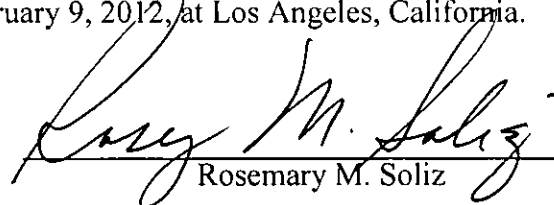
☒ **VIA ELECTRONIC MAIL:**

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 February 9, 2012, 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 February 9, 2012, at Los Angeles, California.

  
Rosemary M. Soliz