

PAUL HASTINGS LLP
 JAMES A. ZAPP (SB# 94584)
 jameszapp@paulhastings.com
 CAMERON W. FOX (SB# 218116)
 cameronfox@paulhastings.com
 MELINDA A. GORDON (SB# 254203)
 melindagordon@paulhastings.com
 515 South Flower Street
 Twenty-Fifth Floor
 Los Angeles, CA 90071-2228
 Telephone: (213) 683-6000
 Facsimile: (213) 627-0705

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. 5
 TO PRECLUDE DEFENDANT'S LABOR
 ECONOMIST/STATISTICIAN EXPERT
 WITNESS FROM TESTIFYING
 REGARDING PLAINTIFF'S
 MITIGATION**

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. Clerk
 By GLORIETTA ROBINSON Deputy

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff's economic expert will present a damages report suggesting that Coppedge, a
4 59-year old network and computer systems administrator at the time of his layoff, with over 20
5 years experience, will never find work again as a systems administrator. Caltech's expert, labor
6 economist and statistician Michael Ward, also will testify about Coppedge's damages, but taking
7 into account the length of time systems administrators like Coppedge reasonably can be expected
8 to be unemployed, based on reliable government statistics for network and computer systems
9 administrators, adjusted for geography and age. Based on this data, Ward will provide the jury
10 with two alternatives of Coppedge's projected economic losses: the first based on the average
11 period of unemployment for systems administrators, and the second based on twice the average
12 period of unemployment. Should the jury find liability, they will have to decide what weight, if
13 any, to give to these conflicting reports, and what economic damages, if any, to award to
14 Coppedge.

15 In this motion, Coppedge alleges that Ward is not qualified to render such opinions, in
16 effect seeking to prevent the jury from hearing any testimony about the likelihood of Coppedge's
17 finding systems administration work in the future. A University of Chicago Ph.D. in Economics
18 with over 35 years experience as a labor economist, Ward is more than qualified by way of
19 training and experience to offer the above-referenced opinions, and his testimony is based on
20 reliable sources, including government statistics, trade publications, and actual job searches for
21 systems administrator positions in Southern California.

22 Coppedge argues that Ward cannot testify on this subject because he is not a vocational
23 rehabilitation specialist or a recruiter. But Ward will not be opining that Coppedge should have
24 been able to obtain any particular job. Rather, he will be testifying that it is reasonable to project
25 that Coppedge will find comparable employment if he conducts a diligent job search. It is for the
26 jury to decide whether Coppedge has conducted a diligent job search and met his duty to mitigate
27 damages. Ward will simply, and properly, provide the jury with relevant information it may use
28 in determining Coppedge's alleged economic damages.

1 Put differently, both Coppedge's expert and Ward are relying on assumptions here, as they
2 must. Assumptions are fundamental to the work of economists in predicting future damages, as
3 their projections necessarily are based upon assumptions as to what is likely to occur or not to
4 occur. By not projecting any offset of Coppedge's future earnings, Coppedge's expert is not
5 refraining from making assumptions; rather, he is assuming that Coppedge will never again find
6 employment as a systems administrator. In contrast, Ward will testify that it is reasonable to
7 assume that Coppedge will find employment as a systems administrator in the future, based on
8 reliable government statistics and information on job availability. The jury will decide which
9 opinion, if either, is persuasive, as they make their determination of Coppedge's economic
10 damages (if any).

11 **II. ARGUMENT**

12 **A. Ward Will Offer Proper Expert Testimony On The Length Of Time**
13 **Coppedge, an Experienced Systems Administrator, Reasonably Can Expect**
To Be Unemployed, Adjusted For Relevant Factors.

14 **1. Ward Is Qualified To Offer These Opinions.**

15 Ward is a highly educated, well-respected and extensively experienced labor economist
16 and statistician. Ward Tr. 13:18-19, Ex. 1.¹ As a labor economist, Ward studies all aspects of the
17 job market, including what people do to find work and how long it takes them to do so. Ward Tr.
18 44:2-5. Ward's resume demonstrates that his expertise extends to areas such as labor markets,
19 employment trends, job transitions, and job mobility. Ward Tr. Ex. 1. Ward is going to offer his
20 expert opinion on projected length of unemployment, based on government statistics adjusted for
21 geography and age, and systems administrator job availability. Ward Tr. 20:15-22:1; 30:20-33:4.
22 This testimony is fully within Ward's areas of expertise.

23 Coppedge contends that Ward cannot testify about Coppedge's job search and mitigation
24 of damages, because he is not a "vocational expert qualified to render opinions" on these topics.
25 Motion at 5:8-9. Coppedge's view of mitigation evidence is myopic. Evidence can be relevant to
26 mitigation, without reaching the ultimate question of whether the plaintiff mitigated. Ward is not

27 ¹ 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 Gordon Declaration.

1 testifying about whether *Coppedge* could have obtained a particular job, or even any job. Rather,
2 Ward is testifying about systems administrator jobs, in general: the average length of time a
3 systems administrator can expect to remain unemployed and whether jobs are available in
4 *Coppedge's* profession.

5 In turn, the authority that *Coppedge* cites on pages 2-4 of the motion regarding what
6 constitutes comparable employment or whether a plaintiff has met his duty to mitigate is
7 irrelevant; Ward is not offering testimony on these topics. *See, e.g., Parker v. Twentieth Century-*
8 *Fox Film Corp.*, 3 Cal.3d 176 (1970); *Meyer v. United Air Lines, Inc.*, 950 F. Supp. 874
9 (N.D. Ill. 1997). Meanwhile, *Coppedge's* citation to *Elsayed Mukhtar v. California State*
10 *University, Hayward*, 299 F.3d 1053 (9th Cir. 2002), is likewise misplaced. There is no evidence
11 to suggest that Ward will fail to employ here "the same level of intellectual rigor that
12 characterizes the practice of an expert in the relevant field." *Id.* at 1063. Indeed, Ward is an
13 expert in the relevant field for the testimony he is offering – labor economics.

14 **2. Ward's Opinions Are Based On Reliable Data And Methods.**

15 Ward's data and methods for assessing unemployment duration and job availability are
16 reliable. For data, he utilizes government statistics on unemployment rates, durations of
17 unemployment, and if needed, other government publications about the likelihood of finding
18 work. Ward Tr. 21:2-7. This data is adjusted for geography and age. Ward Tr. 30:20-33:4.
19 Ward's methodology is to assess this data in light of the labor market for the plaintiff's
20 occupation and skills (as listed in his resume) – here, systems administrators and technology jobs
21 in general. Ward Tr. 21:8-12. This assessment involves review of government and trade
22 publication assessments of that market. Ward Tr. 21:13-22:4.

23 *Coppedge's* suggestion that Ward relied solely on "internet articles" is a flat-out
24 misrepresentation. Motion at 4. In addition to his use of government statistics, Ward looked at
25 *reputable* article sources – government and trade publications, as noted above. *See, e.g.,* Ward
26 Tr. 22:14-17; 23:6-7; 23:9-24:5. By contrast, the internet articles about which *Coppedge's*
27 counsel questioned Ward were introduced primarily by *Coppedge's* counsel and consisted of,
28 among other things, a blog post and articles full of personal anecdotes. Ward Tr. Ex. 6. For

1 example, one of the articles upon which Coppedge's counsel asked Ward to comment, "Surviving
2 Being Over 60 And Unemployed-Updated - 'Unemployed Need Not Apply,'" was written by
3 someone with the Internet handle "bloggerbarb61" and posted on bloggerbarb61's personal
4 website. Ward Tr. 54:8-17, Ex. 6. Understandably, Ward responded "I don't know where this
5 comes from. Bloggerbarb61." Ward Tr. 54:16-17.

6 **3. Ward's Opinions Are Beyond The Province Of The Jury And Do Not**
7 **Usurp Its Role.**

8 Coppedge's contention that Ward's testimony is not sufficiently beyond the province of
9 the jury is baseless. Ward is opining on anticipated unemployment duration, based on
10 government statistics for systems administrators, adjusted for age and geography - an assessment
11 that is further informed by government and trade publications. Such an analysis is *well* beyond
12 the knowledge of the average juror

13 In turn, Ward is not usurping the jury's role. Ward is presenting proper expert testimony,
14 while leaving for the jury the questions of whether Coppedge is likely to find comparable
15 employment and whether Coppedge met his duty to mitigate damages. Coppedge admits as
16 much. Motion at 2:24-3:2 ("Dr. Ward testified that he agreed that an employee's efforts to find
17 similar employment or his excuses for failing to find similar employment are for a jury to decide
18 based upon the facts . . ."). It is entirely proper for Ward to opine on systems administrator job
19 availability and unemployment duration, and to assess Coppedge's projected economic losses in
20 light of these opinions. It is then for the jury to decide whether Coppedge's job search efforts
21 were reasonable, and, if they were not, to adjust his economic losses (if any) accordingly.

22 **B. Ward Will Offer Proper Expert Testimony On Typical Job Search Efforts.**

23 Ward will also offer his expert opinion as a labor economist as to what constitutes
24 reasonable diligence in seeking a new job position. Ward Tr. 48:20-49:13. His view is that
25 someone looking for a job will look "continuously" and "every day." *Id.* "You wouldn't look
26 three times a week. You would look three times every hour." *Id.* Ward is qualified to offer such
27 testimony, it is reliably based on his perceptions as a labor economist (over the course of his 35-
28 plus year career), and it is beyond the knowledge of the average juror.

1 Coppedge suggests that he was searching continuously, because he utilized an email
2 "push" feature on at least one job search website. Motion at 4. This is nonsense. Email push just
3 means that the website would send Coppedge an email when a new job was listed matching his
4 characteristics. Being signed up for push emails did not excuse Coppedge from his affirmative
5 duty to continue to look for jobs, on that website and others.

6 Coppedge is free to tell the jury that his use of the email push feature was his job search.
7 But Ward is free to opine that sitting around waiting for emails does not reflect a reasonably
8 diligent job search effort.

9 **C. Ward's Testimony Is Relevant To Mitigation.**

10 There is no dispute that Coppedge has a duty to mitigate his damages, and that it is
11 Caltech's burden to establish whether he has done so or not. *Parker*, 3 Cal.3d at 181-182.
12 Ward's testimony is not only proper expert testimony, but it also is helpful to the jury's
13 determination of whether Coppedge met his duty to mitigate damages.

14 Coppedge has done next to nothing to search for a job, besides his apparent use of an
15 email push system. In the seven and one-half months between his notification of layoff on
16 January 24, 2011 and his interrogatory responses dated September 7, 2011, Coppedge applied for
17 only *three* jobs. Gordon Decl. ¶6, Ex. C (COPP390-394). While he registered for one job search
18 website (dice.com), as well as LinkedIn, he ignored many of the most popular (and effective) job
19 search websites, such as monster.com. *Id.* (COPP404-405); Coppedge Tr. 779:10-20. Coppedge
20 waited two months to send his resume to a friend who offered to pass it on to a Vice President of
21 IT. *Id.* (COPP000408). And, despite receiving a month's access to an online career resource
22 network, Coppedge did not even register until only one week of access was left. *Id.*
23 (COPP000403).

24 Ward's opinions provide the jury with the tools to help determine what economic damages
25 if any, Coppedge may be entitled to recover.

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

2 Coppedge's counsel erroneously claims that Caltech did not meet and confer in good faith
3 as to this Motion. He is wrong. Caltech did meet and confer in good faith.² On January 6, 2012,
4 Ms. Fox and Ms. Gordon discussed the substance of this Motion with Coppedge's counsel, Mr.
5 Becker, by telephone. Gordon Decl. ¶ 3. Mr. Becker summarized his position in an email later
6 that day. *Id.* ¶ 4, Ex. A. On January 9, 2012, Ms. Gordon responded to Mr. Becker's email,
7 explaining that Caltech would be opposing this Motion and setting forth reasons why it believed
8 the evidence to be relevant. *Id.* ¶ 5, Ex. B.

9 **IV. CONCLUSION**

10 For the foregoing reasons, Caltech respectfully requests that the Court deny Coppedge's
11 Motion *in Limine* to preclude defendant's labor economist/statistician expert witness from
12 testifying regarding plaintiff's mitigation.

13 DATED: February 9, 2012

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

14
15
16 By: 

MELINDA A. GORDON

17 Attorneys for Defendant
18 CALIFORNIA INSTITUTE OF TECHNOLOGY
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27 ² As discussed in Caltech's Opposition to Plaintiff's Motion *in Limine* No. 2, the meet and confer
28 requirements for motions *in limine* apply to the *moving* party, not the opposing party. LASC
Local Rule 3.57(a).

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. 5 To Preclude Defendant's Labor Economist/ Statistician Expert Witness From Testifying Regarding Plaintiff's Mitigation ("Motion").

3. On January 6, 2012, Cameron Fox and I discussed the substance of this Motion with Coppedge's counsel, William Becker, by telephone.

4. Mr. Becker summarized his positions in an email later that day. A true and correct copy of Mr. Becker's January 6, 2012 email is attached as **Exhibit A** hereto.

5. On January 9, 2012, I responded to Mr. Becker's email, explaining that Caltech would be opposing this Motion, among others, and setting forth reasons it believed the evidence to be relevant. A true and correct copy of my January 9, 2012 email is attached as **Exhibit B** hereto.

6. Attached hereto as **Exhibit C** are true and correct copies of selected documents produced by Plaintiff David Coppedge in this litigation, Bates-stamped COPP000390-394, 403, 404-405, and 408.

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7. Attached hereto as **Exhibit D** are true and correct copies of excerpts and exhibits from the deposition of Michael Ward, taken on January 24, 2012:

8. Attached hereto as **Exhibit E** are true and correct copies of excerpts from Day Four of the deposition of David Coppedge, taken on July 6, 2011.

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

From: William Becker [bbeckerlaw@gmail.com]
Sent: Friday, January 06, 2012 10:58 AM
To: Fox, Cameron W.; Zapp, James A.; Gordon, Melinda; Wilson, Christine
Subject: Coppedge: Summary of Telephone Call
Attachments: COPP423-432 employment dox.pdf
 Cam/Mel,

Attached are the TIAA-KREFF documents with Bates numbering as requested. I believe that's everything, but let me know if you think something's missing.

We discussed the following issues followed by my understanding of what we discussed. If my understanding is incorrect in any respect, please respond with your version.

MIL re REDACTING DEWOLF STIPEND AMOUNTS

I advised that I intend to move in limine to redact and to preclude all reference to the amounts David DeWolf receives in stipends from the DI. I simply don't see the relevance. It doesn't prove he's a hired gun any more than the fact that he is a senior fellow at the DI. But it does do harm. This case is being watched and followed by various groups hostile to the DI and intelligent design. They include the National Center for Science Education, which is uploading all documents filed in this case to its web site. They are being linked to other web sites. These groups have no business learning the amount of DD's stipend other than to defame him and derogate the ID movement. JPL will look not just very petty disallowing this request, but will prove its own hostility toward ID.

MIL re DI/ADF

I advised that I intend to move in limine to preclude all references to the DI and ADF's association with this case. The ADF's cost underwriting in keeping with its religious liberty objectives is irrelevant per all s352 criteria. But if you think it's relevant, be prepared for me to offer witnesses on the issue and include documentary evidence such as the public statement available here: <http://www.alliancedefensefund.org/Home/ADFContent?cid=5310>. I'm sure the jury would be interested in learning just how great a religious liberty issue this case presents.

The DI's involvement is also irrelevant per all s352 criteria. Nevertheless, I would relish the opportunity to add new witnesses to discuss the job of the DI, particularly how it is often demonized as a "Creationist" institution.

I may have to re-think the wisdom of this MIL. I rather think the witnesses and additional evidence I would bring to trial would be precisely what the jury should learn about. I'm starting to think "game on!". Ball's in your court. Let me know by Monday latest, as you agreed to do.

MIL re LABOR MARKET STUDIES

I advised that I intend to move in limine to preclude testimony from your economist re job placement and labor market studies. Your economist is not qualified to testify as anything but an economist. Such testimony is beyond the scope of his qualifications. You said you would oppose the motion.

92/05/12

2/9/2012

EX-A

DEWOLF'S DEPOSITION

We agreed to provide dates for DeWolf's continued deposition no later than the close of business on Monday.

WARD DEPO

We agreed to discuss scheduling of Ward's deposition. My preference will be to do it same day as Dewolf.

Bill

The Becker Law Firm

11500 Olympic Blvd., Suite 400 | Los Angeles, CA 90064

Tel: (310) 636-1018 | Toll Free: (866) 649-6057 | Fax: (310) 765-6328



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02/09/12

2/9/2012

02/09/12

From: Gordon, Melinda
Sent: Monday, January 09, 2012 3:47 PM
To: William Becker
Cc: Fox, Cameron W.; Zapp, James A.; Wilson, Christine
Subject: RE: Coppedge: DeWolf and Ward depos
 Bill,

We do not agree that the evidence should be excluded. We will oppose motions *in limine* on these topics, should you proceed with filing them. Our reasoning, in substance, is as follows:

MIL re: Redacting Stipend Amounts Paid by Discovery Institute to DeWolf

- The money DeWolf is paid by the Discovery Institute (versus merely being associated with them) is relevant to establishing bias. It does more than show that is he not an objective, impartial expert ... it shows the exact opposite: he has a personal interest in the outcome so that he can continue to be paid by the Discovery Institute.
- At minimum, the fact that DeWolf is being paid by the Discovery Institute is highly relevant. But the amount is also relevant because the amount is substantial; it is not merely an honorarium, but rather has ranged from \$10,000 to \$25,000.
- Once the jury knows he is being paid, it will wonder as to the amount; providing the amount will minimize jury speculation and confusion.

MIL re: Excluding Reference to the Discovery Institute and Alliance Defense Fund Roles in The Lawsuit

- Like the stipend, evidence regarding the Discovery Institute's role (financially *and* tactically) goes to establishing the bias of their paid guru, DeWolf.
- This evidence is also relevant to Coppedge's credibility. The jury is entitled to understand what is driving this lawsuit -- the Discovery Institute and the Alliance Defense Fund -- and consider Coppedge's claims and testimony in light of those background facts.
- Reference to the DI's and the ADF's role here does not open the door to testimony by DI and ADF officials. Their involvement can be established through testimony by Coppedge and DeWolf (if DeWolf is not barred from testifying). Further, Coppedge's and DeWolf's understanding of the goals of these organizations, which is relevant to their motivations, can ONLY be explored their own testimony. All other topics related to these organization -- such as the DI believing it is demonized (which Becker says he wants to explore if we talk about the DI or ADF) -- have zero relevance to this lawsuit.

MIL re: Mike Ward's Labor Market Studies

- This evidence is plainly relevant to mitigation.
- Caltech anticipates that Coppedge is going to testify that he tried to look for a job, and did not find anything. Caltech is entitled to rebut this allegation by having its expert demonstrate that the hiring market for System Administrators in California is robust, calling into question whether, and how much, Coppedge actually tried to find employment.
- Ward is more than qualified to testify as to the health of hiring markets.
- Ward will not opine that Coppedge could have obtained any particular job.

Regards, Melinda

From: William Becker [mailto:bbeckerlaw@gmail.com]
Sent: Monday, January 09, 2012 9:41 AM

02/09/12

2/9/2012

EX.B

To: Gordon, Melinda
Cc: Fox, Cameron W.; Zapp, James A.; Wilson, Christine
Subject: Re: Coppedge: DeWolf and Ward depositions

Thanks Melinda,

I've confirmed with Dr. DeWolf that Thursday 1/19 at 9a works for him, and it is good for me. The balance of the requests is accepted as well.

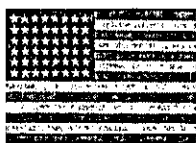
Please don't neglect to get back to me on the other matters we discussed. I think we set no later than tomorrow for that.

Bill

The Becker Law Firm

11500 Olympic Blvd., Suite 400 | Los Angeles, CA 90064

Tel: (310) 636-1018 | Toll Free: (866) 649-6057 | Fax: (310) 765-6328



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On Mon, Jan 9, 2012 at 8:43 AM, Gordon, Melinda <melindagordon@paulhastings.com> wrote:
 Bill,

Regarding deposition scheduling, we propose the following:

- Both depositions will be held on Thursday, 1/19, at Paul Hastings, with Professor DeWolf appearing by video (or both will be held on Friday, 1/20, if Professor DeWolf cannot make Thursday).
- Professor DeWolf's deposition will start promptly at 9:00 a.m., and go no later than 1:00 p.m. The video hookup pricing is based on 4-hour blocks. We request that you take no longer than 3 hours, providing us with up to 1 hour for redirect as needed. The fee is lower than we previously anticipated, and works out to \$510 per side.
- Michael Ward's deposition will start at 2:00 p.m. We do not anticipate that you will take longer than 3 hours, but please advise if so.

If this is all acceptable, we will proceed with making arrangements, and can provide the location for Prof. DeWolf at that time. I am in the office all day today if you would like to discuss further.

Thanks, Melinda

02/09/12

2/9/2012

From: William Becker [mailto:bbeckerlaw@gmail.com]
Sent: Friday, January 06, 2012 1:51 PM
To: Fox, Cameron W.; Zapp, James A.; Gordon, Melinda; Wilson, Christine
Subject: Coppedge: DeWolf and Ward depositions

Counsel,

Professor DeWolf is available Tuesday 1/17 until 3p and Thu/Fri 1/29-20 most of the day both days. I would like to be at your office for his deposition as well as Ward's deposition on one day. Please advise. TY.

Bill

The Becker Law Firm

11500 Olympic Blvd., Suite 400 | Los Angeles, CA 90064

Tel: (310) 636-1018 | Toll Free: (866) 649-6057 | Fax: (310) 765-6328



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02/09/12

2/9/2012

02/03/12

Subject: Sr Unix Sys Admin positions
From: David Coppedge <cdave@dslextre.me.com>
Date: 3/31/2011 5:48 PM
To: gloria@smci.com

Hello Gloria,
Thank you for your letter of March 29 regarding Solaris system administrator positions. I see you found my resume on Dice.com.

I am a Computer and Network System Administrator with 14 years' experience in high-profile space flight mission at NASA's Jet Propulsion Laboratory. My "other car" is a spaceship orbiting Saturn! Until January 24 I was Team Lead SA for Cassini, an international space flight mission, responsible for 14 networks of 200+ computers across America and Europe. I administered comprehensive IT operations including security, network design, access control, automated backups, hardware and software deployment, audit compliance, presentations to management, customer service, and more. Prior to that, I had 15 years' experience with Prime Computer and AIX.

I have experience with Solaris (all versions including 10), and some with Veritas filesystem and volume manager. We used Sun Cluster for awhile (not Veritas cluster, but similar concepts). My Red Hat Linux hands-on experience is limited, but there is quite a bit of overlap in principles and concepts with any Unix platform. The bottom of my resume (attached) shows additional technical skills.

If you would like to call and chat, please feel free. My number is 661-755-4193.
David F. Coppedge

Attachments:

201103-DFC-Resume-Final.pdf

164 KB

COPP0000390

EX. C

Subject: Re: Contract Sr Linux Systems Administrator/Application Operations Engineer project in Woodland Hills

From: David Coppedge <cdave@dslextre.me.com>

Date: 3/16/2011 8:54 PM

To: Andy Ballantyne <ABallantyne@PartnersConsulting.com>

Thank you for the inquiry. Resume attached.
Best regards,
David Coppedge
Daytime: 661-755-4193

On 3/16/2011 8:40 AM, Andy Ballantyne wrote:

Hi David

Our client has an immediate need for a Sr Linux System Administrator/Application Operations Engineer. If interested or know someone who is interested and fit the criteria, please email your updated RESUME with a DAYTIME CONTACT #

Job Title: Sr Linux System Administrator/Application Operations Engineer
Duration: 3-6 Months
Location: Woodland Hills, CA
Start: ASAP
Pay Rate/Hr: open - DOE

Major Responsibilities:

Work with the development, QA, release engineering, and product teams to organize and execute application releases
Architect, design, implement, monitor, and support all production applications to meet company goals.
Architect, design, implement, monitor, and support all application provisioning and configuration management automation
Work with the team to investigate and improve security and create best-practice architectural designs
Test, and implement and research new technologies to support the application architecture.
Maintain effective working relationships with other IT Staff members, internal customers, and technical staff. Maintain professional relationships with all vendors.

Required Skills:

10+ years experience administering Linux/UNIX systems and services.
7+ years designing, administering and maintaining complex multi-tiered production websites.
Technical knowledge of and experience with Red Hat Enterprise Linux, preferably RHEL 5
Experience supporting and understanding of fundamental technology standards such as DNS, SFTP/FTP, SMTP, LDAP, SNMP, SSL, SSH, NFS, TCP, UDP, IP, RAID, DHCP.
Expert knowledge of the HTTP protocol and web application performance and security
Excellent shell or Perl/PHP/Python/Ruby scripting and automation experience.

COPP0000391

Experience with configuration management tools (CFEngine, Puppet, BladeLogic, etc.)
Fluency with writing and understanding complex SQL queries
Excellent verbal and written communication skills, including the ability to produce usable and maintainable documentation.
Demonstrated problem solving abilities and initiative.
Strong knowledge of networking as it relates to systems and security.

Preferred Requirements:

Experience supporting 3-tiered 24/7/365 high-availability website environments.
Experience building and maintaining custom packages using package management such as RPM, dpkg or the like.
Experience with both relational databases (MySQL, PostgreSQL, Oracle, etc.) and non-relational ("nosql") data stores, such as Cassandra and HBase
Experience with virtualization concepts and best practices.
Experience working with NAS/SAN devices and hardware load balancers
Experience supporting multiple Linux/Unix/BSD variants (preferably RedHat, Suse, Debian, Gentoo, FreeBSD, Solaris, OpenSolaris)
Experience with Information Technology Infrastructure Library (ITIL) framework methodologies and best practices.
Experience with the Agile software development framework.
Experience with implementing and defining

Thanks,

Andy Ballantyne
Sr. Technical Recruiter
Partners Consulting
800/732-4680 x709
aballantyne@partnersconsulting.com

Do not reply to this email --> Please send your resume file using the following link:
<http://jobs.partnersconsulting.com/bcsijobs.nsf/sub?create&job=16484&r=andy-ballantyne&s=DiceDb>

Partners Consulting
23421 South Pointe Drive, Suite 260
Laguna Hills, CA 92653

Attachments:

201103-DFC-Resume-Final.pdf

164 KB

Subject: Re: Fulltime/perm UNIX/Linux Systems Administrator position in Hollywood, CA
From: David Coppedge <cdave@dslexreme.com>
Date: 6/20/2011 9:45 AM
To: Andy Ballantyne <ABallantyne@PartnersConsulting.com>

Hello Andy,

Thank you for this lead and for considering me.

My resume as posted on Dice.com is up to date. Looking over the requirements for this job, I would have some weaknesses in the areas of Linux and VMWare; most of my experience was with Solaris. But I am a quick learner and have experience with thin clients, backups, Sun logical domains and routers.

I hope you will keep me in mind for openings that appear to be a good match for my skills.

David F. Coppedge 661-755-4193

On 6/20/2011 9:23 AM, Andy Ballantyne wrote:

Hi David

Our client has an immediate need for a UNIX/Linux Systems Administrator. If interested or know someone who is interested and fit the criteria, please email your updated RESUME with a DAYTIME CONTACT #

Job Title: UNIX/Linux Systems Administrator
Duration: Fulltime/Permanent
Location: Hollywood, CA
Start: ASAP
Salary: \$90-110k/yr

Responsibilities:

- Utilize basic project management skills so that tasks and project deadlines are met.
- Leverage and build upon the open-source configuration management system (Spine).
- Maintain server and network security.
- Manage issues dispatched by systems support analysts (NOC group).
- Prioritize, coordinate and deliver special technology projects.
- Evaluate and present new technologies to leadership (R&D).
- 24/7 on-call duties at approximately once every 6 weeks.
- Travel to hosting sites if needed in emergencies.

Qualifications:

- 5+ years of Linux/UNIX server administration experience.
- In-depth understanding of Linux/UNIX fundamentals including kernel subsystems (scheduler, VM, etc), system calls, inter-process communication, process/resource management and file systems.
- Demonstrated problem analysis and resolution skills.
- Administration in an environment with 100+ systems.
- Extensive knowledge of Apache, including performance tuning for high-volume web traffic. Mod_perl and/or JBOSS experience is a plus.
- Automation experience, preferably using Perl, Python or Ruby and the ability to read and understand code written in C.
- Installation, configuration and troubleshooting of services such as DNS, SMTP, SSH, HTTPD and DHCP.
- Comprehensive knowledge of TCP/IP, the OSI Model, firewalls, load balancers and switches.

02/09/12

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- Experience with network attached storage devices and RAID.
 - Working knowledge of Redhat/CentOS, including Kickstart, the use of package management tools (APT/Yum), the ability to write spec files and build RPM packages.
- An understanding of virtualization technologies such as VMWare or Xen

Thanks,

Andy Ballantyne
Sr. Technical Recruiter
Partners Consulting
800/732-4680 x709
aballantyne@partnersconsulting.com

23421 South Pointe Drive, Suite 260
Laguna Hills, CA 92653

Please send your resume file using the following link:

<http://jobs.partnersconsulting.com/bcsijobs.nsf/sub?create&job=16994&r=andy-ballantyne&s=DiceDb>

Follow our new jobs at career advice at:

<http://twitter.com/partnersjobs>

If you would like to be removed from our database then please click below.

<http://jobs.partnersconsulting.com/db.nsf/remove?create&email=davidcoppedge!cdave-dslextreme.com>

Subject: Welcome to the Career Resource Network (CRN)

From: support@lhh.com

Date: 3/8/2011 6:11 PM

To: cdave@dslexreme.com

Lee Hecht Harrison - Career Resource Network

Welcome to CRN!

Dear David,

Congratulations! Your Career Resource Network registration is complete. You may log in at any time for the duration of your CRN access eligibility at <http://crn.lhh.com/Pages/home.aspx>

Please note: Your CRN log in Username is your email address. The invitation token you used to register for the site is no longer valid.

If you require assistance, please review the online help and search tools on the CRN, or contact us at support@lhh.com.

Thank you,

The CRN Support Team (support@lhh.com)

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Subject: Please confirm your email address

From: LinkedIn Email Confirmation <emailconfirm@linkedin.com>

Date: 3/11/2011 4:41 PM

To: David Coppedge <cdave@dslextre.me.com>

LinkedIn

[Click here](#) to confirm your email address.

If the above link does not work, you can paste the following address into your browser:

<https://www.linkedin.com/e/csrfRnjJ/-285i4t-gl5t8q20-5j/cnf/96PVC3QG8qCabIReQ5XW7Gjd88Z5bDes/>

You will be asked to log into your account to confirm this email address. Be sure to log in with your current primary email address.

We ask you to confirm your email address before sending invitations or requesting contacts at LinkedIn. You can have several email addresses, but one will need to be confirmed at all times to use the system.

If you have more than one email address, you can choose one to be your **primary email address**. This is the address you will log in with, and the address to which we will deliver all email messages regarding invitations and requests, and other system mail.

Thank you for using LinkedIn!

--The LinkedIn Team
<http://www.linkedin.com/>

© 2011, LinkedIn Corporation

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Subject: Welcome to Dice.com!

From: support@dice.com

Date: 3/14/2011 6:41 PM

To: cdave@dslextrreme.com

Dear David Coppedge,

Thank you for registering with Dice! Now that you've set up your MyDice account, it's time to take advantage of the other powerful tools Dice has to assist you in your career advancement. Just log in and go to your MyDice page to personalize Dice to meet your needs.

Here's what you can do with your MyDice account:

- * Post your resume: Fill out a Dice profile and resume so you don't miss an opportunity from the thousands of hiring companies who use Dice. If you are not actively looking, you can post your profile confidentially to "test the waters".
- * Sign up for Dice Advantage to see the specific companies who have viewed your resume and get a boost on the employer resume search results.
- * Activate your JobAlert email search agents: Just enter the job criteria you're looking for and receive daily e-mails when a matching position is posted on Dice.
- * Sign up for our free career newsletter: Stay up to date with the latest stories on job searching and the state of the tech job market. Sign up for the Dice Advisor on your MyDice page.
- * Don't forget to visit Dice Learning to quickly locate tech training and certification courses -- whether they are web-based, instructor led or any other format.

Best of luck!

Dice

You'll need your e-mail address and password to access your MyDice account. If you have any questions please contact techsupport@dice.com.

****This is an automated Message. Please do not Reply****

To manage your email preferences, log in to your account and click "User Settings" located at the top of the MyDice page.

Dice | 4101 NW Urbandale Drive | Urbandale, IA 50322

Subject: Re: Can you please send a resume
From: Bijan Nemati <bijan.nemati@jpl.nasa.gov>
Date: 4/12/2011 4:11 PM
To: David Coppedge <cdave@dslextrreme.com>

Hi Dave

Good to hear from you. I was hoping to get your resume, but thought I should wait until you're ready. I'll be forwarding this to a close friend who may be able to help.

God Bless,
Bijan

On 4/12/2011 4:06 PM, David Coppedge wrote:

Hello Bijan,
Anthon just reminded me I slipped on this... sorry! Here it is.
Dave Coppedge

On 2/14/2011 8:57 AM, Bijan Nemati wrote:

Hi Dave

I was talking about your situation with a friend at church who is a VP of IT. Can you send me a resume at your first convenience?

Thanks,
Bijan

82/09/12

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

5 DAVID COPPEDGE, an individual,)
6)
7 Plaintiff,)
8)

9 vs.

) CASE NO.
) BC 435600

10 JET PROPULSION LABORATORY, form)
11 unknown; CALIFORNIA INSTITUTE)
12 OF TECHNOLOGY, form unknown;)
13 GREGORY CHIN, an individual;)
14 CLARK A. BURGESS, an individual;)
15 KEVIN KLENK, an individual; and)
16 DOES 1 through 25, inclusive,)
17)
18 Defendants.)
19)
20)
21)
22)
23)
24)
25)

ORIGINAL

26 DEPOSITION OF MICHAEL P. WARD,
27 taken on Tuesday, January 24, 2012
28
29
30
31
32
33
34
35

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

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. 11

1 results. Page 3 is an updated version of the
2 CareerBuilder job search.

3 Q. Is that correct?

4 A. Yes.

5 Q. Let me get back to that.

6 How many times have you been retained to
7 testify as an expert witness at all?

8 A. Thousands.

9 Q. Thousands of times? How many times have
10 you testified as an expert witness?

11 A. In court? Several hundred.

12 Q. And in deposition?

13 A. I guess about the same number.

14 Q. What percentage has been on the
15 plaintiff's side and what percentage on the defense
16 side?

17 A. It's about 80 percent defense.

18 Q. What kind of economist are you?

19 A. Labor economist and statistician.

20 Q. In your view, is a labor economist and
21 statistician materially different from a forensic
22 economist?

23 A. I haven't the slightest idea what a
24 forensic economist is.

25 Q. You never heard the term?

02/09/12

1 BY MR. BECKER:

2 Q. Dawn Kovner's work in the month of
3 November, what did that consist of?

4 A. I don't know.

5 Q. I'm going to mark those two invoices
6 as --

7 What is it, 7, Heidi?

8 And she needs a copy.

9 MS. GORDON: I have it. Here. That's
10 everything you gave me to copy.

11 (The above-mentioned document was marked
12 for identification by the certified shorthand
13 reporter and attached hereto.)

14 BY MR. BECKER:

15 Q. You testify a lot about getting people
16 back to work; is that right?

17 MS. GORDON: Objection. Vague and ambiguous.

18 THE WITNESS: I think I understand what you
19 mean.

20 When I testify about economic loss and
21 there's been an absence or lack of mitigation on the
22 part of the plaintiff or no job has been found by the
23 plaintiff, I will testify about both the statistics
24 and availability of jobs.

25 ///

1 BY MR. BECKER:

2 Q. Statistics and availability. So
3 statistically, you try to determine what precisely?

4 A. I look at the unemployment rates;
5 durations of unemployment; and, if necessary, other
6 government publications about the likelihood of
7 finding work.

8 Q. And when you say job availability, what
9 is it that you -- what is your methodology for
10 determining job availability?

11 A. I will look at the labor market for the
12 plaintiff's skill set, occupation, their job.

13 Q. Specifically, though, what is your
14 methodology? Just to look at the market is rather
15 vague. Can you think of something more specific?

16 A. I'll look at assessments of the market,
17 as I have here, government publications that talk
18 about the market, trade publications that talk about
19 the market.

20 Q. In David's case, what market are you
21 referring to?

22 A. Well, the market for networking computer
23 systems administrators and tech jobs in general..

24 Q. So when you look at statistics and the
25 availability of work in the labor market for a

1 networking computer administrative -- systems
2 administrator, what practically are you looking at?
3 You're looking at government statistics, you said?

4 A. And trade publications.

5 Q. How does that statistical information
6 relate to the particular type of employment that
7 David would need to seek in order to find comparable
8 employment?

9 A. Well, it's going to tell me something
10 about whether that market is better than the average,
11 worse than the average, so on.

12 Q. "Better than the average, worse than the
13 average, so on." What does that mean?

14 A. Well, in my notes I've summarized 16
15 sort of comments that occur both in government
16 publications and in trades and newspapers about the
17 market. And that's what that means.

18 Q. You're referring to Exhibit 4?

19 A. I've lost track of the exhibit numbers.

20 Q. They are right in front of you.

21 A. Yeah, Exhibit 4.

22 Q. I'm sorry. I don't have my computer in
23 order to do Livenote today. I'm going to have to
24 look at this.

25 So Exhibit 4 is a list of comments that

1 your assistant found on the internet; correct?

2 A. Right.

3 Q. What attributes of David's skill set are
4 considered in the preparation of this list of
5 articles?

6 A. These list of articles talk about
7 networking computer systems administrators. My
8 understanding is that's what he does. Did.

9 Q. All right. So broadly speaking, these
10 articles say that networking computer systems
11 administrators face certain outlooks in the job
12 market; correct?

13 A. Right.

14 Q. And do any of these articles refer to
15 computer systems administrators over 60, over age 60?

16 A. No.

17 Q. Do any of these statistics or articles,
18 I should say, refer to other factors such as location
19 of job? In other words, do they take into account
20 any particular factors that David would have to
21 consider in his job search?

22 A. Well, there is the article that's No. 6
23 here that talks about the L.A. area.

24 Q. Do you have the backup on that article?

25 A. Right.

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

03/09/12

1 list of jobs.

2 Q. Well, isn't it true that at the age of
3 60 to be laid off that it's going to be much more
4 difficult for David to find a job than it would be
5 for somebody in their 30s or 40s?

6 A. It is somewhat more difficult as
7 reflected in the somewhat longer unemployment
8 durations.

9 Q. And, in fact, it's potentially
10 impossible for him to find -- I won't say potentially
11 impossible. That's vague.

12 But the older a person is -- especially
13 somebody who is five years out from retirement --
14 that makes it far more difficult to locate comparable
15 employment, doesn't it?

16 A. I would have no way of assessing what
17 far more difficult means. I can tell you what the
18 additional duration of unemployment is, but I don't
19 know what you mean by far more difficult.

20 Q. Did you search on the internet -- as you
21 did for the statistics in the job market for systems
22 administrators, did you also search the internet for
23 the job market as it relates to people over a certain
24 age?

25 A. I used the statistics, the government

02/09/12

1 statistics to calculate what the additional weeks of
2 unemployment might be for someone in his age group.

3 Q. Right. But that was to determine wage
4 loss; right? Or his future earning capacity; right?

5 A. No. It measures how difficult it is to
6 find a job for someone in that age group as opposed
7 to someone younger.

8 Q. And that's in your report?

9 A. Yes.

10 Q. Show it to me.

11 A. It's on the last page of the exhibit we
12 marked as 4, note No. 5.

13 Q. I'm sorry.

14 A. Note 5 on the last page of Exhibit 4.

15 Q. Note 5, which is referencing three
16 exhibits; correct?

17 A. We're not in the same place.

18 Q. I have Exhibit 4.

19 A. The last page looks like this.

20 No.

21 Q. I don't know what -- are you referring
22 to your notebook or to the actual exhibits we've
23 handed you to look at?

24 A. No. I'm referring to my notebook.

25 It's page 3.

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1 Q. Note 5, Current Population Survey
2 Outgoing Rotations?

3 A. Right. Read the paragraph that goes
4 with that.

5 Q. Source for that information was a
6 2008-2010 study; is that right?

7 A. Right.

8 Q. Did that study take into account any
9 particular age group? It does. It says "For his age
10 grouping."

11 A. Yeah.

12 Q. What is that age grouping?

13 A. It would be 55 to 64.

14 Q. What report is that? That's Current
15 Population Survey Outgoing Rotations. Where do you
16 derive that report?

17 A. There are -- hold on for just a second
18 here.

19 Okay. This is actually from a CPS table
20 which has on the top "Household Data Annual
21 Averages." I'm trying to find the California table,
22 and I can't. Oh, here you go.

23 The age statistic or the age adjustment
24 statistic comes from the current population survey
25 for household data. It's titled -- that's the only

02/09/12

1 title.

2 Q. Where do you obtain that information?
3 What is the source?

4 A. Bureau of Labor Statistics.

5 Q. Is that a program on your computer or --

6 A. No. It's actually note 3.

7 Q. Note 3, not note 5?

8 A. Yeah. Note 5 is in reference to
9 California. The adjustment for California comes from
10 the outgoing rotations.

11 Q. So at the top of that page 3 of Exhibit
12 4, it says "The average job search by Computer
13 Systems Administrators was 40.36 weeks;" is that
14 right?

15 A. Right.

16 Q. And adjusting for age and geography, the
17 average duration was 52.3 weeks; right?

18 A. Right.

19 Q. Do you know how many weeks David has
20 been unemployed?

21 A. I don't even know that he is unemployed.
22 He doesn't have a job but to be unemployed you have
23 to be actively looking for work.

24 Q. Are you saying he's not unemployed or
25 you don't know whether he's unemployed?

27/68/22

1 Q. What is it?

2 A. I look at the labor market. I look at
3 all aspects of the labor market. I look at what
4 people do in the labor market to find work, how long
5 it takes them to find work.

6 Q. Assume that David found a job today,
7 comparable employment, how does that affect your
8 analysis at all?

9 A. Well, my numbers would be wrong.

10 Q. And if your numbers are wrong, how do
11 you go about determining how to adjust them? How do
12 you adjust them?

13 A. I would incorporate any new information.

14 Q. How would you incorporate that
15 information?

16 A. I would incorporate the new job that he
17 obtained. If it were --

18 Q. Tell me how you would incorporate it.
19 In what practical sense in your report would you have
20 to incorporate it?

21 We're talking about Exhibit 3.

22 MS. GORDON: Objection. Vague and ambiguous.

23 BY MR. BECKER:

24 Q. Right? Exhibit 3?

25 A. Right.

02/09/12

1 Q. If you had been working for a
2 plaintiff's attorney in this case, would you have
3 used that same number?

4 MS. GORDON: Objection. Calls for
5 speculation.

6 THE WITNESS: Normally I calculated them
7 separately. I calculate wage growth separately from
8 the interest rate so for a five-year horizon it would
9 not be that much different if I were to do it
10 independently.

11 BY MR. BECKER:

12 Q. Now, on page 1 of the report, why didn't
13 you assume an unemployment period beyond twice the
14 average?

15 A. I explained that that gets the numbers
16 into the top 10 percentile. So it's possible it goes
17 beyond 80 weeks. It would be in the somewhat lower
18 percentile. That seemed to me to be the outer end of
19 what you could look at statistically.

20 Q. Do you have an opinion as to what
21 constitutes reasonable diligence in seeking a new job
22 position?

23 MS. GORDON: Objection. Vague and ambiguous.

24 THE WITNESS: You mean as an economist?

25 ///

02/09/12

1 BY MR. BECKER:

2 Q. Yes.

3 A. Yes.

4 Q. In the position that you've been
5 retained to testify in in this case?

6 A. I have an idea, yes. I have an opinion.

7 Q. What is that opinion?

8 A. That you would look continuously. I
9 would look every day. You wouldn't look three times
10 a week. You would look three times every hour.

11 Q. That's based on your expertise as an
12 economist?

13 A. Knowing how people find work, yes.

14 Q. Do you have an opinion as to what
15 constitutes an honest effort to find similar
16 employment?

17 MS. GORDON: Objection. Vague and ambiguous.

18 THE WITNESS: I don't know what that means.

19 BY MR. BECKER:

20 Q. Help me understand one thing about your
21 report.

22 Are you assuming that David must accept
23 employment at a salary level below what he was
24 earning when he left JPL?

25 A. The average would be below what he

02/09/12

1 says "Some of those 'displaced' workers may become
2 'discouraged' workers, and officially fall off the
3 government's statistical radar.

4 Does any of your statistical analysis
5 take into account that factor?

6 A. No. It assumes they are looking for
7 work.

8 Q. Take a look at the article "Surviving
9 being over 60 and Unemployed-Updated - 'Unemployed
10 need not apply.'"

11 And that article states that employers
12 don't want to hire those who have been unemployed for
13 more than six months and people who are unemployed
14 have a harder time getting back into the work force.

15 Do you disagree with those two points?

16 A. I don't know where this comes from.
17 Bloggerbarb61.

18 Q. Do you disagree or agree with those two
19 points?

20 A. It's harder to find work. We talked
21 about that.

22 Q. That's a yes; right?

23 A. That is a yes.

24 Q. That means you agree?

25 A. No. I don't say that employers don't

02/09/12

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 _____
9 WAS TAKEN BEFORE ME PURSUANT TO _____
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 6 DAY OF February, 2012
23
24 Heidi Sullivan
25 LICENSE NUMBER 6600

EXHIBIT 1

1 PAUL HASTINGS LLP
JAMES A. ZAPP (SB# 94584)
2 CAMERON 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
6 Attorneys for Defendant
CALIFORNIA INSTITUTE OF TECHNOLOGY
7

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

10 DAVID COPPEDGE, an Individual,
11 Plaintiff,
12 vs.

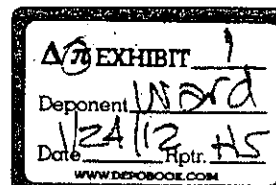
Case No. BC 435600

**DEFENDANT'S EXCHANGE OF EXPERT
WITNESS INFORMATION;
DECLARATION OF JAMES A. ZAPP IN
SUPPORT THEREOF**

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

Trial Date: December 14, 2011

19
20
21
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26
27
28
LEGAL_US_W # 69142068.1



DEFENDANT'S EXCHANGE OF EXPERT WITNESS INFORMATION

1 TO PLAINTIFF DAVID COPPEDGE AND TO HIS ATTORNEYS OF RECORD, WILLIAM J.
2 BECKER, JR., ESQ. AND THE BECKER LAW FIRM; AND CHARLES S. LIMANDRI AND
3 THE LAW OFFICES OF CHARLES S. LIMANDRI, APC:
4

5 PLEASE TAKE NOTICE that Defendant California Institute of Technology
6 ("Defendant") intends to offer in evidence at trial in this action the expert opinion of:

7 Michael Ward, Ph.D.
8 Vice President/Senior Economist
9 Welch Consulting
10 1640 5th Street, Suite 100
11 Santa Monica, California 90401

12 Defendant reserves the right to call any expert witness named by any other party to
13 testify in this matter in accordance with the provisions of California Code of Civil Procedure
14 Section 2034.310. Defendant further reserves the right to supplement this list in accordance with
15 the provisions of California Code of Civil Procedure Section 2034.280.

16 DATED: September 16, 2011

17 PAUL HASTINGS LLP
18 JAMES A. ZAPP
19 CAMERON W. FOX
20 MELINDA A. GORDON

21 By: _____

22 
23 JAMES A. ZAPP

24 Attorneys for Defendant
25 CALIFORNIA INSTITUTE OF TECHNOLOGY
26
27
28

EXHIBIT A

RESUME

MICHAEL P. WARD

Welch Consulting
12100 Wilshire Boulevard, Suite 1650
Los Angeles, California 90025
Telephone: (310) 393-5530
Facsimile: (310) 393-2503
MWard@welchcon.com

Michael Ward received his Ph.D. in economics from the University of Chicago, where he was a National Science Foundation Fellow. Dr. Ward received his B.A. in economics from the University of California, Santa Barbara, where he was elected to Phi Beta Kappa. He is a member of the American Economic Association, The American Statistical Association, American Compensation Association and the American Population Association. Dr. Ward has served as a reviewer for most of the major economics journals and on peer review panels of the National Institutes of Health and the National Science Foundation. He has also served as chairman of the U.S. Census Advisory Committee on Population Statistics. The author of numerous professional articles dealing with the statistical analysis of economic data, Dr. Ward specializes in studies of the labor market.

Dr. Ward has served on the faculty of the University of California at Santa Barbara and the University of California, Los Angeles, teaching graduate and undergraduate courses in microeconomics, econometrics, statistics, and labor economics. Before joining Welch Consulting, he was senior economist at RAND, where he directed federally funded research on women's employment patterns and wages, job turnover rates for young men, the U.S. private pension plan system, and the earnings and retirement decisions of older workers. In addition to labor economics, his academic research includes work in energy supplies and the economics of production and inventory systems in firms.

Dr. Ward has testified on statistical and economic matters in a broad range of litigation settings in both federal and state courts. His testifying experience includes statistical analysis of employment practices in age, race and gender discrimination cases, class action wage and hour litigation, as well as both business and personal earnings loss.

EDUCATION

University of California, Santa Barbara, B.A., Economics, 1969.

University of Chicago, M.A., Economics, 1972.

University of Chicago, Ph.D., Economics, 1978.

HONORS AND AWARDS

1971-1973, National Science Foundation Fellowship.

1969-1970, Ingersoll Economics Fellowship, University of Chicago.

1969, Phi Beta Kappa, University of California, Santa Barbara.

PROFESSIONAL EXPERIENCE

1995-Present, Senior Vice President, Welch Consulting, Santa Monica, California

1984-Present, Vice President and Senior Analyst, Welch Consulting, Santa Monica, California.

1984-Present, Senior Economist, Unicon Research Corporation, Santa Monica, California.

1984-1991, Consultant, The Rand Corporation, Santa Monica, California.

1983-1988, Census Advisory Committee on Population Statistics.

1980-1984, Senior Economist, The Rand Corporation, Santa Monica, California.

1979-1984, Consultant, Unicon Research Corporation, Santa Monica, California.

1978-1980, Postdoctoral Fellow, Department of Economics, University of California, Los Angeles

1975-1978, Lecturer, Department of Economics, University of California, Los Angeles.

1975-1980, Consultant, The Rand Corporation, Santa Monica, California.

1973-1975, Acting Assistant Professor, Department of Economics, University of California, Santa Barbara.

1973-1974, Consultant, Abt Associates, Incorporated, Cambridge, Massachusetts.

PROFESSIONAL ACTIVITIES

Reviewer:

American Economic Review; Demography; Economic Inquiry; International Economic Review; Journal of Human Resources; Journal of Money, Credit and Banking; Journal of Political Economy; Journal of the American Statistical Association; National Science Foundation Proposals; Quarterly Journal of Economics.

Memberships:

American Economics Association.
American Compensation Association.
American Statistical Association.
Population Association of America.

PUBLICATIONS

- "Problems in Assessing Employment Discrimination," with Robert S. Follett and Finis Welch.
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"Energy and Jobs: A Long Run Analysis," with John Cogan and M. Bruce Johnson. Original paper 3, International Institute for Economic Research, introduction by H.S. Houthakker. Ottawa, IL: Green Hill Publishers, Inc., July 1976.

SEMINARS/PRESENTATIONS

March 1986. "Private Pensions and the Labor Market." Presented at the Labor Economics Workshop, University of California, Los Angeles.

December 12-14, 1985. "The Statistical Measurement of Poverty." Unicon Research Corporation, Los Angeles, California, December 1985. Presented at the Bureau of the Census Conference on the Measurement of Noncash Benefits, Williamsburg, Virginia.

June 1985. "Comparable Worth." Presented at the Annual Meeting of the Law and Society Association, San Diego, California.

January 1985. "Women's Wages." Presented to the Institute of Industrial Relations, University of California, Los Angeles.

January 1985. Statement on "Male-Female Wage Differentials, April 1985." Presented to the Comparable Worth Task Force, California State Legislature.

SEMINARS/PRESENTATIONS (CONT.)

January 1985. "Comparable Worth." Presented at the Applied Economics Workshop, University of California, Los Angeles.

May 1984. "Early Career Mobility and the Duration of Jobs." Presented at the Labor Economics Seminar, University of California, Los Angeles.

February 1984. "Social Security and the Retirement Decision," Presented to the Graduate School of Business, University of Chicago, Illinois.

December 1983. "Social Security and the Retirement Decision." Presented to the U.S. Department of Labor, Washington, D.C.

July 1983. "Job Transition Among Young Men." Presented to the Western Economic Association, Seattle, Washington.

June 1983. "Time Series Changes in the Female Work Force." Presented at the Conference on International Comparisons of Women's Employment Trends, Sussex, England.

May 1983. "Long Term Trends in Women's Wages and Employment." Presented at the Labor Economics Workshop, University of California, Los Angeles.

April 1983. "Retention of High Quality Personnel." Board of Directors, The Rand Corporation, Washington, D.C.

April 1983. "Forecasting the Wages of Young Men." Presented to the Population Association of America, Pittsburgh, Pennsylvania.

February 1983. "Cohort Size and Earnings." Presented at the Labor Economics Workshop, University of California, Los Angeles.

Fall 1982. "Social Security and Retirement." University of California, Los Angeles.

June 1982. "Coal Severance Taxes." Presented to the Western Tax Association, Los Angeles, California.

Spring 1982. "Modeling the Retirement Decision." University of California, Los Angeles.

April 1982. "A Dynamic Model of Marital Dissolution." Presented to the Population Association of America.

April 1979. "The Timing Component of U.S. Fertility Rates." Presented to the Population Association of America, Philadelphia, Pennsylvania.

August 1978. "Time Series Model of U.S. Labor Markets." Presented to the Econometric Society, Chicago, Illinois.

June 1978. Discussant, session on Topics in Labor Economics, Western Economic Association,
Las Vegas, Nevada.

SEMINARS/PRESENTATIONS (CONT.)

June 1978. Discussant, session on Negative Income Tax Experiment, Western Economic
Association, Hawaii.

December 1977. "Timing and Spacing of Fertility." Presented to the American Economic
Association, New York.

June 1977. Discussant, session on Econometric Methodology, Western Economic Association,
Anaheim, California.

September 1976, Discussant, session on Energy Economics, Econometric Society Meetings,
Atlantic City, New Jersey.

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9 DECLARATION OF JAMES A. ZAPP IN SUPPORT THEREOF**

10 on the interested parties as follows:

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

Attorney for Plaintiff
DAVID COPPEDGE

13 Email: bbeckerlaw@gmail.com



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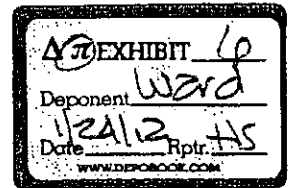
18 By placing a true and correct copy thereof in a sealed envelope(s) as addressed above. I
19 am readily familiar with the firm's practice of collection and processing of correspondence
for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S.
20 postal service on September 16, 2011 with postage thereon fully prepaid, at Los Angeles,
California.

21 I declare under penalty of perjury under the laws of the State of California
22 that the above is true and correct and was executed on September 16, 2011, at Los
Angeles, California.

23 Christine Wilson
24 Type or Print Name


Signature

EXHIBIT 6



How are older, laid-off workers faring?

Below: **Discuss** Data Related

And just how can banks offer 'free checking' and stay in business?



By John W. Schoen

Senior Producer

msnbc.com

COMMENTARY

Many older workers who get laid off face a tough time replacing their salary, and Michigan workers who lose their jobs as they near retirement. Meanwhile, J.T. in Ohio is trying to still make money. (Hint: read the fine print of the fee schedule.)

**I read about Ford, GM, Boeing ... laying off in the thousands but never of
of laid-off, unemployed 50- to 65-year-olds are able to increase their income.
retirement should be the highest earnings for Social Security benefits and
-- Michael K. Long Beach, Calif.**

There's no question that some people in their 50s and early 60s who are laid off from a new job at the same salary. This is especially true for those who've worked for the same company and have built up experience, wisdom or a full Rolodex of contacts that may not translate to a new job.

We were unable to find specific statistics on income gains or losses for workers over 50 (and we'll follow up next week.) But older workers are clearly making up a bigger share of Labor Statistics. In the second quarter of this year, workers 55 and older made up 22 percent of the workforce, nearly double the first quarter of 2001.

And your chances of finding a comparable job decrease the longer you're out of work. The rate of displaced workers was 20 percentage points below the employment rate of similar workers, according to the Journal of Labor Economics by Sewin Chan and Ann Huff Stevens.

Some of those “displaced” workers may become “discouraged” workers, and officially: government tallies the monthly employment report, it only counts those who are active out of a job but not show up in the labor force numbers used to calculate unemployment who tell the Labor Department survey that they've given up looking for a job.

Still, it's clear that many older workers *are* finding good jobs — especially as more and past the traditional retirement age of 65. Though big companies in older, mature industries headlines when they do — the overall U.S. job pool keeps expanding at a healthy clip. More created than old jobs were lost. But “GM lays off 1,000” is news; “Advanced Bionetics

On average, wages for those new jobs are rising. Yes, there are many low-wage jobs being reported that wages and benefits for the entire workforce, on average, rose faster this

So the outlook isn't all that bleak. And there's some evidence that older workers are better off before.

“Older workers more and more are in much higher demand,” said John Challenger, who said “certainly (age) discrimination hasn't disappeared,” he said, “for those who want to work

As a result, the unemployment rate for people over 55 is just 2.9 percent — compared to 4.6 percent for people under 55. (Again, people who've given up looking for work — or have been forced into retirement) 5.2 million workers were 55 or older — the highest level ever. And 5.2 million were over 65

As for your Social Security payments, the loss of a high-paying job doesn't help, but it's based on your last year's earnings. That's because Social Security benefits are based on your earnings

For example, a baby boomer born in 1950 now earning \$65,000 a year can expect a much higher benefit if they lost their job in 2006 — and didn't earn another penny — they'd still be entitled to \$1,000 a month in benefits.

To estimate your benefits, check out the Social Security Web site.

About 10-15 years ago, I remember when banks charged its customers small fees to maintain their accounts. Today, my bank charges me nothing to maintain my accounts as well as service checking and savings accounts for free?

-- J.T., Columbus, Ohio

When was the last time you reordered fresh checks?

My bank charges \$25 for a pack of 150 (plus shipping and handling), which works out. And if one of those checks is presented for payment before the bank decides the clear, virtually costless service of accepting a wire transfer, expect to pay another \$25. And an ATM machine — a device that saves the bank money by reducing the need for tellers.

Though they may call it “free checking” when you sign up, there are plenty of fees out there — which tracks a wide variety of consumer interest rates — recently found that the average from \$27.04 last spring. ATM fees are up to a record \$1.64, on average, from \$1.60 in 2010.

Some banks will also tout their “interest-bearing” checking accounts that pay a dividend on a minimum balance. (That minimum rose 43 percent in the latest survey — to about \$1,000.)

But, according to Bankrate, that interest rate averages just 0.34 percent. By comparison, the average for a 12-month CD is 5.25 percent. So, by lending your money around, your banker can make nearly 15 times as much.

Here's more on what you're paying in checking fees.

I'm a third-year college student and am a little confused about which way to go. I'm looking at a company that offers a 401(k), but I do not plan to be with the company long-term. I was thinking about setting up a Roth IRA. Is this the road to take, or am I better off with the 401(k)?

Kay, Chicago, Ill.

For someone just getting started — especially if you're in a low tax bracket — the Roth IRA is a good choice. A traditional IRA lets you take a tax deduction for money you contribute, you'll pay tax on the money when you withdraw it. You pay tax *before* you put it in the account, but you won't owe taxes when you withdraw it. If you retire — and could be in a higher tax bracket — you end up paying less tax in the long run.

As for the 401(k), that's a no brainer. Even if you're there for a short time, you can always take advantage of any employer matching of your contributions — to the fullest extent possible.

Think of it as your boss leaving \$20 bills lying around on the floor — but the only way to get them is to pick them up onto each one.

1/23/12

How are older, laid-off workers faring? - Business - Answer D...

That's pretty easy money.

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02/09/12

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AdChoices 

Surviving being over 60 and Unemployed-Updated-"Unemployed, need not apply". 77

By [bloggerbarb61](#)

Unemployed.....Need not apply

Since first writing this article, I came across a news reports last night that confirmed my suspicions and upset me at the same time.

- Employers don't want to hire those who have been unemployed for more than 6 months.
- People over 55 have a harder time getting back into the work force.
- Young people 17-25 who have no High school diploma or College make up 25% of the unemployed.



I have actually had it mentioned that I've been out of work for quite a length of time and in the past 2 yrs have held "Several" jobs only to be laid off. I have always mentioned "last hired, first fired", in troubled economic times.

- In the article I saw last night, they said that most companies lay off "the weakest of their workers, not necessarily the last to be hired, during economic difficulties." [needless to say I won't be using that line any more"]

So, I guess I want to know how we become "educated" in the things these companies are looking for WHEN Unemployment will not supplement classes that cost money? I'm a bookkeeper, but don't know ORACLE. Many companies actually advertise that you need to know that software in order to apply. How can I learn that if I can't afford the class? Unemployment won't help me because they don't consider that to be a "lucrative expense". They offer FREE basic computer classes, but nothing to help you advance.

Young people are told they aren't *hired* because they don't have "experience". As the older generation, we have the experience, but they don't want to pay for it. So that leaves the 30-55 group that is being hired and working. That is a very small percent of willing and able body people who can work.

Also, Employers are now using a "new tactic" to stop Unemployed people from even applying for positions they offer. **Some internet job posts found came right out and stated only currently employed workers should apply.** Some legislators are trying to make it illegal to advertise like that, but like most companies and "age" they will find a way around it.

So, I guess we just have to be more persistent and even though there are 4 applicants for every job opening, we have to keep sending out those Resumes.

Leave your thoughts and suggestions. All I can say, is thank heavens I don't have to pay postage on all these Resumes, because they would never get sent.

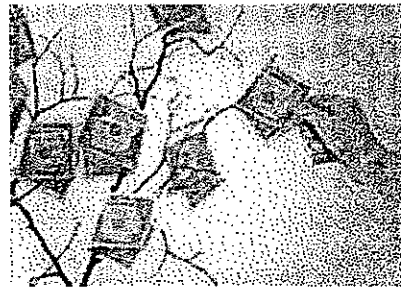
[to see the entire report: <http://boston.cbslocal.com/2011/11/04/many-companies-not-interested-in-unemployed-applicants/>]

We're all in this together.....

YUP, I'm 61 and unemployed like so many of my friends and counterparts. I, a person who has worked all my life have now been with out work for 18 months in the past two years. How the heck did I wind up here?

Like many of you, I'm too young to retire [well, that's what my bank account tells me], have not won the lottery

[therefore I don't have any retirement /savings left as I live alone and used it to survive the past few years], and can't seem to get businesses to understand that I can't work for less than \$15.00 [and it has to be full time with healthcare]. [I live in Massachusetts and it's MANDATORY to have Healthcare or be fined on your State income tax at the end of the year] I receive \$84.00/month in Food Stamps[so I buy lots of soup & veggies for the month] because the Federal Guidelines for Poverty level are now \$10,890 for a single person. So, since I'm in the \$11,000.00 bracket; strictly on unemployment, I am above the poverty level. With "all" that income, I'm supposed to pay rent, buy food, maintain a vehicle, utilities, Prescriptions, basic cable/internet/phone, auto, renter, & Life insurance, and still have something left over to put away for retirement and maybe see a movie once in a while.



I MUST be living the American Dream as the house I rent my apt. in has a white picket fence around it. I don't need a gym membership because I live in a 3rd floor walk-up [4 floors when I go to the basement to do laundry]. I don't have a dog as that's not allowed, but I do have 2 cats at the suggestion of a friend. Having never had cats, I didn't know they were so "into themselves" and don't like to "cuddle" or sleep with you. They do greet you at the door, but that's only to see if you'll give them a treat. I don't, so I'm abandoned.

So, how do WE, the people who taught our children that we can *BE what and whoever we want to be* in this land of plenty [as long as we work and respect others] SURVIVE?? Our country is weighed down by a government with so much debt that they keep threatening to close down. They bail out financial institutions [who now are charging us more in fees because the government put restraints on them]. They bailed out car manufacturers who still haven't hired all employees back [and in some cases laid off more]. How do we [who are the ones who kept the country going in so many ways, who are losing our homes, can't feed our families, and have no jobs] keep from falling by the wayside? By making **LOTS OF NOISE!!!**

If you are on FACEBOOK, put something out there everyday about wanting to work. Answer the questions that the local TV Stations put out there about the unemployment situation. Write your Governor, Atty. General, Congress person, Senator, AARP, and start a blog. I changed my FB profile to read "UNEMPLOYED and one of the 99%".

Jobs are so hard to come by today because of the amount of people out of work that you have to make yourself noticed. If your friends and their friends see you're looking for work, there might be a chance someone knows of an opening and will let you know. The biggest thing.....DONT BE IDLE! If you're idle, you become stagnant.

I WANT TO WORK! I hate sitting around trying to figure out what to do with my day. I send out resumes on a daily basis. In the 18 months I've been out of work, I have had 5 interviews. I was called to work, recently, for ONE company out of all that I've sent out. I worked ELEVEN DAYS, and was told that I wasn't learning their software and program fast enough and they let me go.

So, now I've become pretty good at knowing how the Unemployment, Healthcare, Food Stamps, and Fuel/utility assistance works in Mass. What I'd like to do with my "blogs" is share my information with you so you will understand that it does take some work and PERSISTENCE on the part of the Unemployed person, to finally get the results that are needed. In the mean time, contact me via this blog and I'll help you with what I can.

My blogs will include helpful tips for all the paperwork needed, places to search for work, resume help, and some of the "glitches" I've run into. I'll also keep a brighter side that will give you positive ideas of what to do in your free time with some of it costing little or no money. I promise that I will try to keep them upbeat.

Summary

So, today is raining and could be a great day to cover your head and just sleep it away.....Instead.....go to your local coffee shop, bookstore that has a coffee shop, someplace where people are gathering and start talking. If you start with a smile you will usually find someone who is just like you, looking for someone one to just chat with. Even "Verbal" human contact is better than no human contact, and it could just make your day.

Remember.....there are so many of us out here in the same predicament.....you're never alone. Have a great day and until next time.....Peace & Happiness to you all.

TIP

[Did you know that V-8 Juice and lots of Veggies, makes a great soup? Add some potatoes, noodles, or rice and you have vitamins & fiber and an inexpensive meal. Serve with an ooey gooey grilled cheese sandwich and YUM! Great lunch or dinner. Can also be done in a crock-pot if you add meat and fresh veggies instead of frozen. ENJOY!]

The New York Times

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October 24, 2009

65 and Up and Looking for Work

By STEVEN GREENHOUSE

It is well known that during the nation's gale-force recession, many older Americans who dreamed of retirement continued to work, often because their 401(k)'s had plunged in value.

In fact, there are more Americans 65 and older in the job market today than at any time in history, 6.6 million, compared with 4.1 million in 2001.

Less well known, though, is that nearly half a million workers 65 and older want to work but cannot find a job — more than five times the level early this decade and this group's highest unemployment level since the Great Depression.

The situation is made more dire because of numerous recent trends: many people over 65 have lost their jobs as seniority protections have weakened, and like most other Americans, a higher percentage of them took on debt than in previous generations.

The expectation once was to pay off your 30-year mortgage before you retired, or come close. Instead, the level of indebtedness among older Americans has risen faster than in any other age group, partly because so many obtained second mortgages to take money out of their homes.

This financial squeeze is one reason President Obama has proposed giving a special \$250 one-time payment to all Social Security recipients.

Many out-of-work older Americans complain that they face foreclosure or have had

to give up their car.

"It's a big deal for a lot of these people not to find a job," said David Certner, legislative policy director for AARP. "That so many of them are still trying to find work shows how bad the economic situation is. A lot of people normally give up at that age."

The unemployment rate for older Americans is still much better than for others — 6.7 percent compared with 9.8 percent in the general population. But 6.7 percent is more than double the level of two years ago — and far higher than the minuscule 1.9 percent rate early this decade.

And unemployed older workers stay out of work longer — 36.5 weeks on average, 40 percent longer than for the unemployed in general.

Patricia Warmhold, who has worked as a translator and telemarketer, would love to retire, but at age 67, she says that is out of the question.

Her mortgage payment is nearly \$1,500 a month, and her car payments and auto insurance are another \$350. She receives \$1,071 a month in Social Security and \$918 in pension.

"I have very little after the mortgage," she said.

Ms. Warmhold, who speaks German, French and Creole, was laid off a year ago from her job as an interpreter for a law firm. "I've been looking for jobs ever since," she said. "I applied to Nassau County and Suffolk County, and they don't call back."

A divorce worsened her financial situation, although her mother, who is in her 90s, helps by sometimes sending her \$100.

"In a month's time, I sent out 101 job applications," she said, including more than 50 to school districts, to no avail.

The recession has battered young, middle-aged and old, although several modern trends have left older workers more vulnerable than in the past — for instance, the shift toward 401(k)'s and away from traditional pensions that give retirees a

monthly stipend for life has pressured many Americans to continue working well past 60.

Another force pushing Americans to delay retirement is that the percentage of companies that provide health coverage to retirees is half what it was two decades ago. Moreover, the age to obtain full Social Security benefits has increased to at least 66 for people born after 1942, from its traditional 65.

The median income for those 65 and over was just \$18,208 in 2008 — a quarter of them had incomes under \$11,139, according to Patrick Purcell, an expert on older workers and pensions with the Congressional Research Service.

The average Social Security recipient age 65 and over receives just \$12,437 in annual benefits, he said, and among individuals 65 and older who received income from financial assets, half received less than \$1,542 last year.

While Social Security keeps most seniors above the poverty line, there are a substantial number near poverty “who are just getting by,” said Richard W. Johnson, a senior fellow at the Urban Institute. Many economists say it is good that Americans are working later in life — many are living longer and able to contribute longer.

Still, many older job seekers insist they are losing out because of age discrimination. Last year, nearly 25,000 workers filed age discrimination complaints, a 29 percent jump over 2007, according to the Equal Employment Opportunity Commission.

“I often get told that I’m overqualified,” said Barbara Brooks, 71, who retired in 2003 after 30 years as an administrative assistant at the University of California, Los Angeles. She said being told that is code language for “you’re too old.” But Ms. Brooks said she wanted to work — and needed to — citing her monthly mortgage of \$1,500, which eats up half her monthly pension.

“I would like to be able to treat myself to a couple of dinners, maybe a movie,” Ms. Brooks said. “I think as long as people have excellent skills, and they can get around like a 40-year-old — I’ve been told I look 40 or 50 — why shouldn’t I work?”

For years, unemployment among older Americans was largely ignored because so

few of them were jobless. But now more than a million Americans over age 60 are unemployed, two-and-a-half times the level two years ago.

And at least jobless workers 65 and over are guaranteed health coverage through Medicare. Workers laid off before that age often have to fend for themselves to obtain health insurance, which is often prohibitively expensive for those over 60.

One such worker is Michael Husar, 62, a former engineering manager who spent 38 years with General Motors and then its Delphi auto parts spinoff. Mr. Husar, a resident of Scottsdale, Ariz., retired in 2003 at age 56, but as a result of Delphi's bankruptcy, he now has to purchase his own health insurance. He pays \$1,600 a month, which translates to \$19,200 a year.

Despite two engineering degrees, his search for consulting work has come up empty in recent months.

"There are two reasons I feel a need to continue working," he said. "One, I still have a lot to offer, and two, I need the money."

Alicia H. Munnell, director of the Center for Retirement Research at Boston College, says older workers have fared better by and large than younger workers in this recession. The percentage of workers ages 25 to 54 with jobs has fallen to 75 percent, from nearly 80 percent two years ago, while the percentage of older Americans with jobs has risen slightly, to 16.3 percent.

But that is fewer than the number who want to work.

Patricia Piazza, 66, who worked for Chrysler for 30 years as an analyst, knows that all too well.

She and her 72-year-old husband, a longtime employee at General Motors Acceptance Corporation, had planned to retire by now, but she is hunting for job, and he recently landed one with the local transit system.

Their home in Warren, Mich., has dropped \$100,000 in value, Ms. Piazza said, while their pensions, as former nonunion employees, will be far less than anticipated because of the auto company bankruptcies.

Chrysler recently took away her life insurance policy and optical coverage, she said.

“It’s like the bottom fell out of everything” she said. “This isn’t the way we planned retirement.”

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Special Report

Guy's Guide to Reenergizing Your Career



How Men 40-Plus Can Beat the Barriers to Getting Hired

By Margo Camichael Lester, Monster Contributing Writer

Many people are having a harder time landing a job in this difficult economy. But some men over 40 are finding it even harder, since many employers believe seasoned workers will cost more and know less about technology -- and those are just two of the misperceptions. Here are some common concerns for potential employers and tips for how you can meet them head-on.

Great Salary Expectations

"In this market, there are a lot of talented young people out there with lower salary expectations than those who are established," explains Seymour Adler, senior vice president in the Human Capital Consulting Practice at Aon Consulting in New York. "Organizations have this idea that it's not motivational to hire someone at a salary that's 20 percent or 40 percent lower than their regular salary."

To combat this, job seekers should be proactive. [Address the issue in cover letters](#) and during interviews. Explain what motivates you besides salary, but be careful not to come off as desperate. "Clearly and concisely be able to describe what you're passionate about and how you want to make a difference with your work," suggests Carol Vecchio, founder and executive director of Centerpoint Institute for Life and Career Renewal in Seattle.

Old Boys Can Learn New Tricks

Some employers think it's more difficult for people middle-aged and beyond to learn new things. "Research shows that a significant percent of people continue to learn, and learn aggressively, well into their 50s and 60s," Adler says. "It's a bias that's unfortunate."

Overcome this mind-set by demonstrating learning agility. "You want to make sure the person knows that you are committed and have been committed to lifelong learning, are open to new experiences, are not set in your ways and have curiosity," Adler explains. "Transmit this in conversations whether you're being interviewed or networking. Of course, this works best if it's really true."

This strategy also works if you're [looking for a position outside your industry](#). "Take time to reflect on your career and the skills and experiences that are transferable," Adler explains. "Make it clear how you can think creatively to apply that learning in new and different ways."

Walk the talk by using the [time between gigs](#) to pick up or enhance some skills. "Do some extra education that was either put off or just felt you didn't need (and) includes certification," says Dallas-based Dorothy Beach of Frontend Recruiting. "Those acronyms are a tiebreaker, and that's what recruiters search on."

Are You on Top of Technology?

There's also a perception that middle-aged workers are less on top of new developments in technology and society. In other words, "fresh-out younger people are more in tune with what's new and hot than people over 40," Adler says. Of course, this isn't necessarily true at all.

Luckily, there are many ways to show you're up on things. Using [social media](#) is one way to demonstrate you are tech-savvy as well as your "with-itness." "If you are an expert, then you should have a blog," Beach says. "Take the time now to develop one, and keep it up when you do land [a new job], and use the other social media channels to point to it." And don't forget to include the URL on your [resume](#).

How's Your Attitude?

Although it might be hard to do, presenting a [positive mental attitude](#) also is important. "In this market, you've got to be technically

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qualified and be smiling, positive," Adler says. "Job seekers with positive energy will be more likely to find jobs, because people are drawn to engaging, positive people."

One thought that might help: There are employers who value experienced employees. You bring a good professional network, historical perspective and a depth of experience younger candidates can't.

"Personally, I would hire a person in the age group of 40 to 60 in a heartbeat if they fit the qualifications posted for the job," says Eric Edie, owner of e-Edie's, an IT and startup business consulting firm in Richville, New York. "This group is at that age of maturity, (is) levelheaded, puts thoughts before actions and honestly does a much better job. They are also the group that will be there early and leave late if there are deadlines and work needs to be accomplished."

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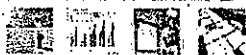
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The energy is palpable at a Saturday morning session of the Madison Area Job Transition Program. People hurrying in from the parking lot at Good Shepherd Lutheran Church on the city's southwest side flash warm smiles of greeting, but a glance around the room shows that the group means business.

Founder Bob Shimmel welcomes newcomers and directs them to the job-search resources: a first-timer table peppered with helpers who lend moral support; stations to update resumes, learn about online networking or consult an attorney; and enough research and inspirational handouts to fill a briefcase.

"We're serious," says the recently retired Shimmel.

The goal is a full-time job, and the strategy is commitment. Those who embrace the job search as a full-time job have a good chance of success, he says. "Those who don't embrace the search won't be as successful." Shimmel boasts of the group's success rate: 27 participants have clinched a job so far this year.

The free group is open to everyone, but a glance around the room tells you that many participants are over age 50, and the frequent wry quips about being "over 29" say they are feeling their age on the unemployment line.

Shimmel's counsel? Shrug it off. Put down the anger, ignore the insecurities. Start making connections and network to find the 70 percent of jobs that are not advertised. Identify your transferable skills. Polish your credentials. Forget about the job you used to have and the pay you used to get. They don't exist anymore.

The quest for re-employment is a journey of transition, Shimmel says. "Eighty percent of you who travel it will end up in a better place."

But that road is often harder for those over 50 or so, according to both statistics and anecdotal evidence. Like others who suddenly find themselves unemployed, older workers struggle with their sense of identity, but they may face discrimination because of their age. Many will never command the pay or

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5701 Raymond Road, Madison

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Contact: Bob Shimmel,
madisonareajobtransition@gmail.com

Website:
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Meets first and third Saturdays of each month, 9-10:30 a.m.

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21 N. Park St., Madison (check sign for room number)

263-6960

Contact: Sybil Pressprich,

spressprich@dcos.wisc.edu

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Center for Adult Learning

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2125 Commercial Ave.

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Contact: Shawna Carter,
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For more than a decade, Pat has reported on the communities — neighborhood, ethnicity, lifestyle and avocation — that make Madison what it is.



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benefits they did before the economy took the most precipitous dive since the Great Depression of the 1930s, experts say. They will work longer than their fathers and mothers did and may never enjoy the retirement their parents had. But they may find that the ordeal offers an opportunity to test their mettle and reconsider what they value in life.

What the numbers say is that workers between the ages of 55 and 64 were on unemployment rolls an average of 44.6 weeks as of October, according to Assistant Secretary of Labor William E. Spriggs, who spoke before a special session of the U.S. Equal Employment Opportunity Commission. It was called late last year to examine the impact of the economic recession on older workers. According to Spriggs, older workers remained unemployed an average of almost 11 weeks longer than workers age 25 to 34 years, and 17 weeks longer than those 20 to 24.

As they have been displaced from their jobs, workers 55 and older in Wisconsin who are receiving unemployment compensation grew more than 19 percent between 2006 and 2010, from 17 percent of those getting benefits to 20.3 percent, according to the U.S. Bureau of Labor Statistics.

"This recession is the first time we're getting huge numbers of 50-year-olds out of work and looking for jobs," says attorney Victor Forberger, who leads the University of Wisconsin Law School Unemployment Appeals Clinic and volunteers as a consultant to the Job Transition Program.

As unemployment rates have begun to inch down, prognosticators forecast recovery. But you wouldn't know it from what older workers report, says Forberger. "If the economy were turning around, companies would be looking for these older workers to get up to speed quickly," he says.

Media reports of recovery infuriate one discouraged worker in his mid-50s who has been searching for work for months.

"There's people behind those percentage points," says the former insurance salesman, who was fired last fall after the demands of seeing his wife through a life-threatening health crisis, on top of assisting his aging parents, meant that he could not meet the quotas of his employment contract. "There are people who are not even included in the numbers because they've given up or their benefits ran out. It's scary. It's frustrating when you are in this position and all you hear is the numbers. Walk in our shoes for a while."

...

For the community of older workers in the job market who meet at workshops, swap stories at job fairs, or bolster each other's spirits at support groups, frustration is the zeitgeist. Some of them have not been in the job market for decades, and many report spending hours each day on Internet job sites and sending out hundreds of resumes that simply disappear into the ether.

"I see frustration with a capital F," says career counselor Sybil Pressprich, who moderates the Job Search Support Group of the UW-Madison's Division of Continuing Studies. More of the group's participants are 50 and older than in the past, she says.

The Dane County Job Center of the Wisconsin Department of Workforce Development, the facility on Aberg Avenue in Madison that offers training and job search assistance for job seekers, also found that a new networking group was especially popular with older workers.

Those were the workers, too, who were attracted to a support group launched this year at the Center for Adult Learning of Madison College. "I'm hearing more and more about older workers having problems getting a job, workers as young as 45," says counselor Al Stutesville. Employers are missing out, he says, because older workers are more dependable, need less supervision and are more creative problem solvers.

All that may be, but the displaced workers who gravitate to Studeville's support group report finding themselves on alien terrain. Barbara Sullivan worked for nearly 40 years in clerical positions at two prominent Madison companies before a layoff last year from a job she thought she'd retire from. Job hunting as she knew it meant putting out the word with friends and acquaintances to get an interview that landed a job. But when she checked her list of references after being laid off, she realized most were retired or deceased. She can't get an interview these days, she says.

"Employers are so hung up on degrees," she muses. "I have experience. Let me show you."

Participants in Studeville's group report being confronted with employment tests on computer software they've never seen before. "We learned on the job, but companies don't want to spend money to train you today," says Sullivan.

. . . .

Many of those looking for work in middle age embark on a humbling regimen: dyeing hair to hide the gray, dieting to smooth paunches and scrubbing decades-old dates from resumes. The belief that the deck is stacked against them because of their age is pervasive among older job seekers, despite the fact that federal and state laws prohibit private and public employers from discriminating in hiring against workers age 40 and older, unless advanced age really means someone can't do a particular job.

In a paper published in January looking at age and re-employment, researchers at the Washington, D.C.-based Urban Institute point to reasons employers cite for reluctance to hire older workers: concerns about recouping training costs before a new hire retires, a belief that older workers are unwilling to learn new things, and fear that their health care and pension costs will be more expensive.

That's not the sort of thing business leaders say publicly, however, and many don't believe it anyway.

Jennifer Alexander, president of Greater Madison Chamber of Commerce, says experienced workers still are great hires. "It's not a product of age, it's the result of experience, knowledge and wisdom."

And if the years of experience include little use of the digital technology with which decades-younger competitors for the job are intimately familiar?

"Every job requires a unique set of skills and each age brings different strengths. Clearly, the younger worker is a native to technology and people my age are immigrants. But I think it's wrong to count out any group from a particular skill," Alexander says.

Some local older job seekers speculate that employers' reluctance to hire them may be unconscious. "I just have a sense that despite the best intentions, there is an assumption that older workers are slower, that they won't be able to pick up technology, that sort of thing," says one mid-50s former office manager.

Older job seekers are concerned employers are rejecting them out of hand, but "sometimes the fear is not based on anything tangible," says UW career counselor Pressprich.

One job seeker in her 50s describes the expression that flits across an interviewer's face when you enter the room and "sinks your heart."

"I've been in interviews where it so clear that they don't want to hire old people," says a man in his 60s whose job as a computer systems manager ended in late 2008. He can't shake the memory of the interviews where he knew as soon as a remark left his lips that it was wrong. "I'd see the energy in the room drop, and say to myself that was an 'old person' thing to say."

More older workers are seeing their rejection in the job market as age discrimination. Complaints of age discrimination against Wisconsin employers rose from 17.3 percent of all employment discrimination claims in 2005 to 21.2 percent of claims in the 2010 fiscal year, according to statistics from the U.S. Equal Employment Opportunity Commission.

Madison attorney Marilyn Townsend has no doubt that older workers are discriminated against; just the fact that the city, state and federal governments prohibit it indicates it's a problem. Proving it is another matter.

It is hard enough to prove that age discrimination was involved in terminations or layoffs, she says; proving discrimination in hiring is even harder.

"Particularly if you were one of hundreds of applicants, how do you prove age was an issue?" she asks. And depending on where the case is heard, workers may have to prove that age was the sole reason they were not hired and that qualifications were not an issue, she says. "Unless someone says 'we don't want wrinkled faces,' it's hard to prove."

With the slim chances of success and high emotional toll of litigation, a discrimination lawsuit may not be worth it. Besides, says one older worker, a lawsuit would scare off other prospective employers. "That's why I think instances of age discrimination don't usually bubble up."

Don Larson, who spent two years looking for re-employment in his field of information technology management, counsels older job seekers not to waste time trying to win over employers who don't appreciate them. "Companies with no tolerance for what seasoned veterans can bring to the table — it's casting pearls before swine. Find a company that values what you have to offer," he says.

From his observation as a participant and volunteer for the Job Transition Program, he says it may not be age, but bitterness over losing their job that poisons the water for older workers. "What they don't realize is that they carry that anger with them into interviews."

More productive, he says, is to take a look at yourself and identify where skills need to be obtained or refreshed. "Look at yourself as a work in progress. You can't do that when you're angry."

. . . .

The implications of having older people out of work for long stretches are an increasing focus for public policy analysts. Delaying retirement has been seen as the surest route to financial security in old age, because it allows workers to boost savings and Social Security payments and to shrink the number of years retirement savings must fund, Urban Institute researchers say. But that strategy depends on older workers being able to find employment. And their current difficulty in doing so calls into question the prescription of raising the retirement age to preserve Social Security.

Tim Smeeding, director of UW-Madison's Institute for Research on Poverty, does believe that the solution for the country's overall fiscal problems is to raise the retirement age, but he says, too, that doing so would place a greater burden on manual laborers who may not be physically able to stay on the jobs they've been trained to do and who may not have the kinds of skills desired by employers in the new economy. "These guys will find something, but if it is something as good as the jobs they had, I'd be very surprised," Smeeding says. "It's going to be tough. They're just going to have to realize they won't have a retirement like the older guys they worked with."

Charlie Kunce is seeing that struggle firsthand. He has spent his work life as a painter and drywall finisher, but hasn't been able to find a job for a year and a half, as the recession dried up work in the construction industry.

Kunce, 50, has maxed out his unemployment benefits, and fallen far enough behind in his rent that he may face eviction. "I'm not sure what's going to happen," he says. Kunce has done a few side jobs in the time he's been off, but he hasn't been able to find much. He recently applied for food stamps, although his eligibility interview is not until mid-May, and he's not sure how he'll make do until then. "It's funny," he says. "I was a member of Rotary Club and volunteered to pass out food at the local food pantry, and here I am now." But he isn't sure he can swallow his pride and use a food pantry, he says. "It's demoralizing."

Kunce suspects his age may be one reason he's not getting responses from the resumes he has sent out to companies advertising for help. "When people see 50, they think you're ready to retire. But I'm in better shape than most 20-year-olds."

Workers from the construction industry are feeling the pain at the top of the earning scale, too. A 59-year-old career construction project manager who is marking two years out of work since a layoff says he's beginning to figure he would be happy with a job in his field that paid half of the six-figure compensation to which he had become accustomed. He has not yet had to consider an hourly low-wage job of the type he knows other long-unemployed workers have taken. "I might decide I like it too much," he jokes of the kind of job that ends with the shift.

In fact, many of the older workers who turn to local job-search groups for support and assistance are not in financial straits. Among a dozen interviewed for this story, many report that they have spouses in well-paying jobs, substantial retirement nest eggs, or — for those who decided to take the plunge and begin collecting — Social Security benefits. They have taken temporary jobs, developed work as their own bosses, or immersed themselves in volunteer work.

But the value of working, and the cost of not being able to find a job, go far beyond paying the bills.

Marjorie Matthews has had a long career as a social worker, and at 60 is discouraged to find herself in the position of always being poised to market herself during a chance encounter with someone with a line on a job or training to reinvent herself without assurance of a job at the end of it. "You'd think you'd have some insurance when you get an education and credentials, you'd think that would smooth the path," she says.

The experience of being out of work for six months, and the people she has met, she says, have given her perspective on her lifestyle and spending and how much tougher some people have it. Still, she feels a need to contribute beyond the volunteer work she is doing, and despite her husband's continued earnings, is nagged by uncertainty about what retirement now will look like.

"I never thought I'd be in this scary place," she says.

Lori Bose, 54, has been looking for work for more than two years since a layoff of limited-term workers at

the University of Wisconsin Business School in 2009.

Her husband is working, but the couple needs a second income and she needs to work for her own sense of purpose, she says. "After 50 it became more important for me to do work that's meaningful to me. It seems more imperative. There isn't as much time. I want this period of my life to be reflective of who I really am."

One displaced worker said work as a source of identity is especially important for men. "Our work is who we are," he says. "You go to a cocktail party, people ask you what you do." Crafting a new identity based on being the "house spouse" or as a volunteer is difficult, he says.

. . . .

Is unemployment more wrenching for older workers in any measurable way? The answer may emerge from a major national study now under way to gauge the effect of the economic recession on the mental and physical health of people at each stage of life, says Carol Ryff, director of the Institute on Aging at UW-Madison. Right now, nobody knows for sure.

Because people over 50 who find themselves out of work are losing key years in building resources for retirement, the stress of unemployment may be greater, Ryff conjectures. But stress is not necessarily destructive. "There are huge individual differences in how people respond. Some people who face adversity get in touch with their strengths, seek support and cope well. They may even get their priorities realigned in ways that seem more sensible and healthy to them."

Adversity is one way that people become more clear on what matters, and what it means to be productive without a job. "There are opportunities everywhere to be engaged in the world," Ryff says.

Some local older job seekers say they've discovered strength in the crucible of unemployment.

"I've discovered a deep well of inner strength through all this, in the ability to persevere and keep putting out applications," reflects Bose. "Even if don't want to, I do it."

Jay Kraemer, a customer service manager who found himself out of work at 57, says he had only a twinge of self-doubt during the 27 months he looked for full-time employment. He found his confidence shaken when he didn't get a job after an interview, but turned to a friend who told him he was overqualified. "That helped me realize I am who I am," he says.

Today he's happy in a new job and volunteering at the Job Transition Program to teach others about online networking. "My passion is to help people grow and succeed," he says.

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For unemployed over 50, jobs especially scarce

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Unemployment has hit baby-boomers especially hard. For those over 55, the jobless rate has doubled since the recession began, to 6.8 percent. In real terms, that's more than 2 million people, many of whom once had good-paying, white-collar jobs.

And the older you are when you lose a job, the harder it is to find a new one, CBS News correspondent Byron Pitts reports.

If effort and optimism were gold, Eric Garner would be a rich man.

"I'm the busiest unemployed guy I know," Garner said. "I mean, I work a 12-hour day. I just want to get paid for it."

For the past year, Garner's full time job has been looking for a job. He's out of bed by 6 a.m., searching the web, emailing resumes by 6:15.

He has 50 different resumes, he says, because he customizes the resume that he sends out for each employer.

Garner was laid off from a financial services firm in 2010. Since then he's had a few bites, a few interviews, but still no offers.

How is it possible that someone who is college educated, working on a masters degree, with 32 years of work experience can't find a job?

"It's tough out there," Garner said. "I applied for one job they told me there were 300 applicants. The interview process lasted over a month. I got down to

the final three and then they hired a friend of a friend who was inside the company. I was a little disappointed but it's like, okay, something happened, what am I going to learn from this? Make your contacts."

That's what he's doing at ProNet, a career center for unemployed professionals. And Garner's city of Charlotte, N.C. has its share.

Nicknamed "Banktown," Charlotte is the second largest banking center in the nation behind Wall Street. Since the recession began in late 2007, it has shed nearly 5,000 jobs in finance and insurance alone.

ProNet Charlotte sees 350 clients a week. Some were earning six-figure salaries and now face tough choices to make ends meet.

"What really drives you nuts is interviewing and having someone say you've got the experience, you've got the background, knowledge, ability -- and what the employers don't understand is everyone in this room would gladly take the pay of the 25-year-old," said Joe Zvanut, one of the ProNet participants.

The federal government reports more than half of those unemployed over age 55 have been out of work more than 40 weeks-- an average 7 weeks longer than their younger colleagues.

One participant says the fact that he doesn't have a job is creating tension between him and his wife. Another says his Harvard MBA may be a liability with some employers who think it "prices you out."

For now, Eric Garner continues playing in his church band -- and searching for the right job.

"I'm 56 years young and like my grandfather and my father I will probably work into my 70s because I enjoy what I do," he said.

And he may have to. Garner's unemployment benefits have covered his mortgage. But they run out in September.

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Older unemployed workers half as likely to get hired

By Mark Miller

JANUARY 14, 2011

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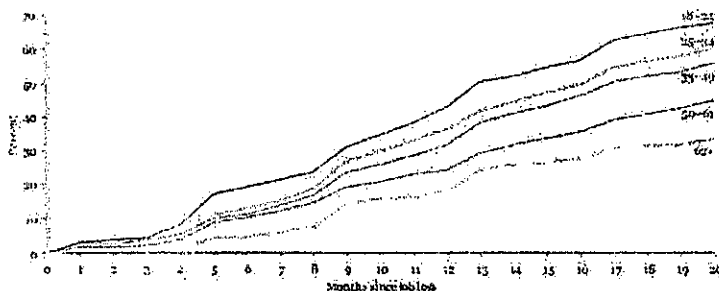


Older workers are less likely to get laid off, but they're having a much harder time finding new work than younger job-seekers.

New research by the Urban Institute shows that seniority helps protect older workers from job loss — the average jobless rate for workers over age 55 in 2010 was 7.7 percent for men, and 6.2 percent for women. That's considerably lower than the national unemployment rate, which stood at 9.4 percent in December. Overall, workers age 50 to 61 were 34 percent less likely to lose their jobs during the downturn than younger workers, the Urban Institute researchers found.

But workers in that age group who have lost their jobs in the recession are one-third less likely to find new work than their counterparts age 25 to 34. And workers over age 62 were half as likely to be re-employed:

Figure 1. Cumulative Probability by Age of Displaced Wage and Salary Workers Becoming Reemployed, 2003 and 2009



Source: Authors' tabulations from the 2008 Survey of Income and Program Participation panel, spanning the years 2005 and 2009.

Notes: Estimates are based on a sample of 4,061 wage and salary workers age 15 or older who were displaced from their jobs. The analysis follows them from the time they are displaced until they become reemployed, they drop out of the labor force, or the survey ends.

REUTERS MONEY

What's more, workers who do find new jobs are accepting lower pay. Median hourly wages for displaced men age 50 to 61 who became re-employed from 1996 to 2007 fell 20 percent below the median figures for their former

jobs; by contrast, wages fell just 4 percent for men age 25 to 34.

The findings point to the difficulty of keeping workers on the job longer — an aim of policymakers hoping to reduce pressure on federal spending for entitlement programs such as Social Security.

"We need to get people to work longer so they can help produce the goods and services necessary to promote economic growth and help pay taxes to fund public services," says Richard Johnson, a senior fellow at the Urban Institute and a co-author of the report. "But that can't happen unless seniors can find work. We need to devote more money to training and employment services for older workers. The federal government has only one small employment program targeted to older people — we need more. We should also consider extending unemployment benefits for older people, since it takes them so long to find work when unemployed."

Age discrimination claims filed with the Equal Employment Opportunity Commission have spiked in recent years. One researcher hoping to quantify discrimination in hiring several years ago sent out 4,000 resumes for fictitious female applicants to companies that had run newspaper ads for open jobs in Boston, Mass., and St. Petersburg, Florida, with ages ranging from 35 to 62. She indicated the fictitious applicants' ages by listing the date of high school graduation. She found that a younger worker was more than 40 percent more likely to be called back for an interview than an older worker, when "older" was defined as age 50 or higher.

"Employers are clearly reluctant to hire older workers," says Johnson. "Many are concerned that older workers are more expensive than younger ones, that they lack up-to-date skills, that they won't be around long enough to justify the cost of hiring and training them. These concerns are mostly unfounded, but they're widespread. If that's not outright age discrimination, it certainly comes close."

Dr. David DeLong, an expert in organizational behavior, acknowledges that age discrimination is an issue, but urges job seekers to focus on aspects of the hunt that they can control. Among his key recommendations:

Keep skills current. For example, older job candidates may think they're up on the latest, but may not be familiar with the latest social media or mobile computing technology.

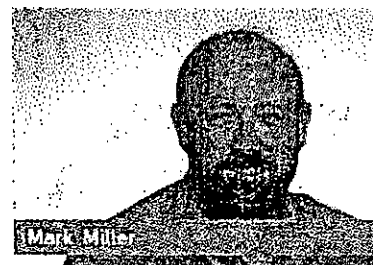
Expand horizons. The odds of landing a new job just like the old one are very slim, due to ongoing downsizing of large corporations and economic restructuring spurred by globalization. Older workers need to consider training for new occupations and consider self-employment or entrepreneurial options.

Don't over-play deep experience. Years of experience don't always win the day and may be a turn-off with younger hiring managers who may perceive you as an arrogant know-it-all. Rather than talk about how you've done it elsewhere, explain how you'd help solve a prospective employer's problems and mention how you've applied solutions to similar challenges elsewhere.

DeLong recently talked about the challenges older workers face with *Over50andOutofWork*, a website that has been collecting video interviews with labor force experts and jobless older workers. Here's the interview:

David DeLong from *Over Fifty and Out of Work* on Vimeo.

I also recommend an excellent in-depth report DeLong wrote on joblessness among older workers, *Buddy Can You Spare a Job*, which is available as a free PDF download.



Mark Miller is a journalist and author writes about trends in retirement and He has a special focus on how the boomer generation is revising its a to careers, money and lifestyle after 50. Mark is the author of *The Hard Guide to Retirement Security: Practical Strategies for Money, Work and Life* (John Wiley & Sons/Bloomberg Press 2010) and edits *RetirementRevised*. Mark is the former editor of *Crain's Chicago Business*, and former Senior editor of the *Chicago Sun-Times*. 1 opinions expressed here are his own » View Profile

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Comments

JAN 14, 2011

10:02 PM EST

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I love how people like to call Social Security an "entitlement program."

Do we all not pay into this fund similar to a private retirement system. With the constant ratcheting up in retirement age, a good many workers will never get all the money out that they paid in to the "system."

And then there is the constant raiding of the "piggy bank" by virtually every congress since it was created. And they leave IOW's in the form of Treasury Notes for all the money taken to balance budgets.

How about govt pay back what they have taken, and quit embezzling our retirement funds?

Posted by Robert76 | Report as abusive

JAN 17, 2011

5:42 PM EST

Nicely written article. Trouble is no one over 50 ever gets hired for anything unless it's a million/yr+ gig. Everyone else is cooked.

Posted by everyone | Report as abusive

JAN 17, 2011

6:38 PM EST

Social Security is the ultimate Ponzi Scheme. I have no idea why no one has said this before.

Posted by Homeward_bound | Report as abusive

JAN 17, 2011

9:07 PM EST

Working beyond "52" at GM was, "good luck and fat chance", back in the late 80's and early 90's! I'm confident, the writing was on the wall, forecasting the demise of that corporation. It became inevitable that something drastic would happen. Each and every contract the UAW negotiated, had demands GM honored and at each and every contract, the salary employees lost more and more. At the last contract under the old GM, there was nothing more to take away or cut, other than employees, since a hiring freeze was on, & car sales were very slow and the entire country's economy was slowing down to depression proportions.

1/23/12

Older unemployed workers half as likely to get hired | Reuter...

Posted by donalddb | Report as abusive

JAN 17, 2011
10:12 PM EST

Make a choice: (a) Social Security is not an entitlement program, therefore, making paying Social Security tax strictly voluntary and warn people they are not guaranteed a dime upon retirement; or (b) Social Security is an entitlement program, therefore, continue forcing people to pay Social Security taxes with the guarantee they will receive the amount shown on their periodic Social Security statement mailed to them.

Obviously, sending people periodic account statements from the Social Security Administration showing if they have maxed out, what they paid into the system their entire careers, and their monthly entitled amount, can only work in a civilized society if it's true. Otherwise, why can't banks simply lie to people, send them bank statements with the amount they put in, then one day decide to simply close their accounts and say, "Sorry, but we had other plans for your funds, so your account is closed."

Our times are peculiar because we want it both ways. We want our cake and eat it too. That's human. That's like an employee stomping their feet and screaming, "I want my salary raised to \$10 million a year because the CEO makes that much!" Doesn't mean that employee will get squat except a swift kick out the door, but hey, we can stomp our feet and demand anything we want.

With Social Security, protesting will not change the fact that Social Security sends account statements to millions of people whom each paid upward of three quarters of a century and have a file cabinet full of Social Security financial statements. Social Security is like a bank account in that way; compare a SS statement to a bank statement and there is no substantive difference (just a unique statement format). Defaulting on SS monthly payments to retirees is no different than defaulting on 401K plan monthly payments, except that Uncle Sam is immune from prosecution in the former case.

Posted by DisgustedReader | Report as abusive

JAN 18, 2011
6:46 AM EST

Yep, all of the above.

Posted by SanPa | Report as abusive

JAN 18, 2011
10:48 AM EST

What is life like for the new older generation? Is it the doom and gloom of Reuters or the rainbow and sunshine of CSM.
<http://www.csmmonitor.com/World/Global-Is-sues/2011/0116/How-retirement-is-being-reinvented-worldwide>

I think it sucks anyway you look at it.

Posted by vsheehan | Report as abusive

FEB 3, 2011
3:41 AM EST

It's sad to experience the truth, but there is always an option for micro livelihood programs. Maybe the law maker should go look into, to make it doable.

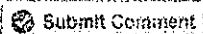
Posted by ArtNMD | Report as abusive

SEP 10, 2011
9:56 AM EDT

I'm age 68, formerly middle- to upper-middle class with two long and successful careers behind me. I lost my job unexpectedly in March 2009, nearly two and a half years ago, and have not worked since, nor am I in a position to just retire. It's a crisis, that's for sure.

Posted by lyndaiddnewton | Report as abusive

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02/09/12

...reuters.com/.../older-unemployed-workers-half-as-likely-to-...

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

JUNE 10, 2011

VOLUME 4

(Pages 758 through 963)

REPORTED BY:

Jan M. Roper
CSR No. 5705

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

02/09/12

EX. E

10:28:49

1 yesterday for the first time in months.

2 Q. Then it says: Behavioral, Technical, Panel
3 and Telephone, and it says: Telephone often first
4 step.

10:28:57

5 In other words, they were talking about
6 different ways -- or different types of interviews
7 you might be presented with on a job search; correct?

8 A. Yes. I just wrote down what the presenter
9 was saying.

10:29:12

10 Q. Okay. Then over on the right-hand side of
11 Page 314 it has Job Sources, and then it has listed a
12 number of online sources: hotjobs.com,
13 monster.com, wetfeet.com, glassdoor.com.

10:29:36

14 These were all represented to you as being
15 websites that have postings of positions?

16 A. Yes, I believe so.

17 Q. By the way, since your layoff, have you gone
18 on to these websites at all to search for possible
19 employment?

10:29:51

20 A. Not these but -- not these ones.

21 Q. Okay. Then going further on Page 314, it
22 appears that during the seminar there was discussions
23 about how to most effectively present yourself in
24 interviews; correct?

10:30:12

25 A. Yes, it appears so.

REPORTER'S CERTIFICATE

I, Jan M. Roper, a Certified Shorthand Reporter No. 5705, do hereby certify:

That, prior to being examined, the witness named in the foregoing deposition, DAVID FLETCHER COPPEDGE, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth.

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter transcribed under my direction, and I hereby certify that the foregoing deposition is a true and correct transcript of my shorthand notes so taken.

I further certify that it was stipulated by counsel that said deposition may be read, corrected and signed by the witness under penalty of perjury.

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of June, 2011.


JAN M. ROPER, RPR, CSR NO. 5705

From: William Becker [bbeckerlaw@gmail.com]
Sent: Saturday, July 23, 2011 8:43 AM
To: Zapp, James A.; Gordon, Melinda; Fox, Cameron W.
Subject: Coppedge: Session 4 deposition changes

Jim,

David and reviewed and signed his deposition transcript for his fourth session and made the following changes, which I handed you at yesterday's deposition of Richard Van Why:

DAVID COPPEDGE DEPOSITION : SESSION 4, 06/10/2011

PAGE/LINE	ORIGINAL	
777:3	Karmen	Karman
777:18	note-taker, so I write down everything I hear	Note-taker.
781:19	assistance	access
787:24	left were because	left because
787:25	change.	choice.
806:2	Rawley	Rolley [and fix t
806:15-16	Yeah, she was the only contact.	Yes, she was the on
810:23	No.	I recall he was pres
811:14	No.	I recall on 8/3/2010
823:6	Anton	Anthon
840:19	know. He might have.	know.
842:12	Yeah.	Yes.
846:19	Harrison was the name of the service	Harrison.
848:16-17	<u>dice.com</u> which -- <u>dice.com</u> .	<u>dice.com</u> .
858:3	a quick and a -- a quick	a quick
864:21-22	that -- and yet, it's an admission of wrongdoing that they shouldn't -- in fact,	-- an admission of v
865:7-8	troublemaker, even though I all I was --	troublemaker.
884:19	she was his go-to person.	he was her go-to pe
904:1	I don't think so.	I don't recall.
907:3	Sop:See	SOPC
913:2	Uh-huh.	Yes.
916:17	say	match
922:23	It's -- yeah, technically	Technically
929:5	\$800	\$732
933:12	files, and I kind of learned	files. I learned

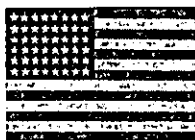
Bill

The Becker Law Firm

02/09/12

2/9/2012

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STATE OF CALIFORNIA

CITY OF LOS ANGELES AND COUNTY OF LOS
ANGELES

) ss:
)
)

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. 5 TO
PRECLUDE DEFENDANT'S LABOR ECONOMIST/STATISTICIAN EXPERT
WITNESS FROM TESTIFYING REGARDING PLAINTIFF'S MITIGATION**

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

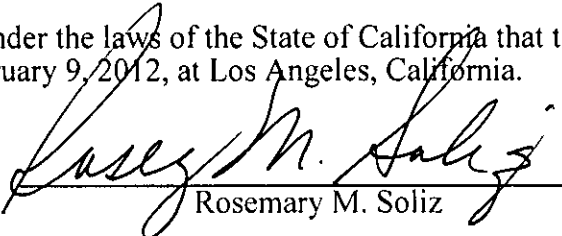
☒ **VIA ELECTRONIC MAIL:**

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 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