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8 Attorneys for Defendant
9 CALIFORNIA INSTITUTE OF TECHNOLOGY

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 DAVID COPPEDGE, an Individual

13 Plaintiff,

14 vs.

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

20 Defendants.

CASE NO. BC 435600

21 **DEFENDANT'S BRIEFING ON
22 RELEVANCE OF WITNESSES'
23 RELIGIOUS BACKGROUND
24 (HEARING UNDER EVIDENCE CODE
25 SECTION 402)**

26 Date: March 14, 2012
27 Time: 10:00 a.m.
28 Dept.: 54
Judge: Hon. Ernest M. Hiroshige

Complaint Filed: April 14, 2010
Trial Date: March 7, 2012

29 ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 14 2012

John A. Clarke, Executive Officer/Clerk
BY *[Signature]* Deputy
Kathleen J. J. J.

1 **I. INTRODUCTION**

2 Plaintiff David Coppedge's counsel intends to examine numerous Caltech witnesses about
3 their personal religious beliefs and private religious practices. On March 13, 2012, the Court
4 announced that it would conduct an evidentiary hearing the next day under Evidence Code
5 Section 402 to determine if Coppedge's counsel may delve into witnesses' religious beliefs at all,
6 and, if so, to what extent. Caltech submits this brief in response to the Court's request for
7 briefing in advance of the hearing.
8

9 As to *all* of its witnesses, Caltech believes that any inquiry into the private details of their
10 religious beliefs and practices is improper because such evidence is not probative of – and goes
11 far beyond that which would show – whether any of the decision-makers in this case acted
12 because of discriminatory animus. Nevertheless, Caltech recognizes that the Court may not find
13 it appropriate to bar this line of inquiry as to *all* witnesses at this time – particularly those who
14 were decision-makers in the case or who specifically discussed religion with Coppedge in the
15 past. Given that, Caltech's believes that the witnesses fall into two separate categories for
16 purposes of the Court's analysis:
17

- 18 • **Witnesses who never knew Coppedge's religion and/or never discussed**
19 **religion with him.** Those who did not know Coppedge's religious beliefs could
20 not have been biased by them, much less because of any gulf between his belief
21 and their own. For this category of witness, there should be no inquiry into
22 religious beliefs or practices whatsoever.
23
- 24 • **Witnesses who knew Coppedge's religion, discussed religion with him, or are**
25 **key decision-makers in the case.** With respect to these witnesses, some inquiry
26 into religious belief *may* be appropriate, depending on the state of the evidence at
27 the time the questions are asked. But it is likely too early to make that
28

1 determination.

2 Caltech discusses both categories in more detail below, and identifies which witnesses fall
3 within each. Caltech respectfully requests that the Court bar inquiry into religious beliefs and
4 practices altogether as to the first category of witnesses, and defer ruling on the relevance of the
5 beliefs and practices of the second category of witnesses until sufficient evidence has been
6 received to make such a ruling.
7

8 **II. APPLICABLE LAW**

9 California Evidence Code Section 402(a) provides that “[w]hen the existence of a
10 preliminary fact is disputed, its existence or nonexistence shall be determined as provided in this
11 article.” Section 402(b) explains that “[t]he court may hear and determine the question of the
12 admissibility of evidence . . .”

13 Here, the question is whether Coppedge can lay foundational facts sufficient to inquire
14 into the religious beliefs and practices of Caltech’s witnesses. This inquiry focuses on two key
15 considerations: relevance, under Evidence Code Sections 210 and 350, and prejudice, under
16 Evidence Code Section 352.
17

18 **III. APPROPRIATE SCOPE OF TESTIMONY**

19 **A. Individuals Who Did Not Know Coppedge’s Religion And/Or Never**
20 **Discussed Religion With Him.**

21 For the vast majority of Caltech’s witnesses, there is zero basis for permitting Coppedge
22 to inquire into their religious beliefs and practices because they never knew or discussed
23 Coppedge’s religion. This renders their religious beliefs and practices irrelevant, and therefore
24 inadmissible under Evidence Code Sections 210 and 350.

25 The Caltech witnesses who fall into this category include the following individuals, for
26 whom deposition testimony in the case establishes they neither knew of (or spoke to Coppedge
27 about) his religion:
28

- 1 • Jackie Clennan-Price. Coppedge Tr. 814:9-12; 902:8-11.¹
- 2 • Scott Edgington. Edgington Tr. 26:6-12; 56:6-12.
- 3 • Tami Fujii. Coppedge Tr. 903:6-13.
- 4 • Nancy Grenander. Coppedge Tr. 903:2-5.
- 5 • Sue Linick. Coppedge Tr. 902:12-15.
- 6 • Robert Mitchell. Coppedge Tr. 900:22-25.
- 7 • Julie Webster. Coppedge Tr. 902:20-903:1.
- 8 • Margaret Weisenfelder. Weisenfelder Tr. 63:18-64:8.
- 9 • Kathryn Weld. Coppedge Tr. 902:16-19.

10 This category also includes the following other Caltech witnesses for whom Coppedge has
11 not offered (and cannot offer) any evidence that they discussed (or even knew of) Coppedge's
12 religion: Nancy Aguilera, Sheri Curtis, Bob Jobsky, Nick Patel, Oscar Castillo, Harvey Chien,
13 Don Fleishman, Barbara Larsen, Rick Roessler, Patty Smith, and Pam Woncik.

14 Without a showing that these witnesses knew of Coppedge's religion, there can be no
15 argument they were biased against him because of it. Of course, the only state of mind that is
16 relevant in a discrimination or retaliation case is that of the decision-maker – not every witness
17 who ever interacted with the plaintiff. *Morgan v. Regents of Univ. of Cal.*, 88 Cal. App. 4th 52,
18 76 (2000) (“decisionmaker’s motive and state of mind” are what are in dispute); *Kotla v. Regents*
19 *of Univ. of Cal.*, 115 Cal. App. 4th 283, 296 (2004) (“The controlling issue . . . was the state of
20 mind of these decision makers. Facts unknown to them are not logically relevant to establishing
21 their state of mind . . .”). However, Coppedge's theory appears to be that anyone who did not
22 agree with him was discriminating against him on the basis of his religion.

23
24
25
26
27 ¹ Cited deposition testimony is attached to the Declaration of Melinda A. Gordon

1 In short, the personal religious beliefs and practices of these witnesses are not relevant at
2 all, let alone sufficiently relevant to outweigh the undue prejudice to Caltech of forcing these
3 witnesses to testify *publicly* about *private* matters – an experience that is likely to affect the
4 witnesses' demeanor and word-choice (and, thus, the strength of the defense's evidence) because
5 of the self-consciousness lay witnesses could naturally feel in this situation. These witnesses did
6 not ask to be a part of this litigation. Coppedge has forced them to be. And given that their
7 religious views and practices are not legitimately at issue in this case, examination on those topics
8 should be excluded under Evidence Code Section 352.
9

10 **B. Individuals With Whom Coppedge Discussed Religion And/Or**
11 **Decisionmakers.**

12 As for those witnesses who *did* discuss religion with Coppedge, knew his religious
13 affiliation, or who are central witnesses to the reasons for Caltech's actions, some questions about
14 religious background may be appropriate, depending on context.

15 This category includes the following individuals:

- 16 • Greg Chin.
- 17 • Cab Burgess.
- 18 • Kevin Klenk.
- 19 • Kevin Klenk.
- 20 • Carmen Vetter.
- 21 • Richard Van Why.
- 22 • Diane Conner.

23 Caltech is not conceding that the private details of these witnesses' religious beliefs and
24 practices are relevant to the case. Indeed, for some of these witnesses, like decision-maker
25 Richard Van Why (who had no discussions or disputes with Coppedge regarding religion²),
26

27
28 ² Coppedge Tr. 900:18-21; 901:1-3.

1 inquiry into religious beliefs should be limited at best, if not excluded altogether. So too with
2 Diane Conner.³ However, it may be premature to determine whether this evidence could become
3 relevant as trial progresses – and, if so, how far Coppedge’s counsel should be allowed to go in
4 asking questions – without knowing the state of the evidence and the context for the questions at
5 the time they are asked. Thus, Caltech respectfully suggests that, if the Court is inclined to grant
6 Coppedge permission to examine these witnesses on their personal religious beliefs and practices,
7 the Court defer ruling under the trial record is further developed.
8

9
10 DATED: March 14, 2012

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

11
12
13
14 By: 

MELINDA A. GORDON

Attorneys for Defendant
CALIFORNIA INSTITUTE OF TECHNOLOGY

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28 ³ Coppedge Tr. 900:14-17.

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- 28

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.

3. Attached hereto as **Exhibit A** are true and correct copies of excerpts from Day Four of the Deposition of David Coppedge, taken on June 10, 2011.

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

Executed this 14th day of March, 2012, at Los Angeles, California.


MELINDA A. GORDON

1 PROOF OF SERVICE

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

5 I am employed in the City of Los Angeles and County of Los Angeles, State of
6 California. I am over the age of 18, and not a party to the within action. My business address is
as follows: Paul Hastings LLP, 515 S. Flower St., 25th Floor, Los Angeles CA 90017.

7 On March 14, 2012, I served the foregoing document(s) described as:

8 **DEFENDANT'S BRIEFING ON RELEVANCE OF WITNESSES' RELIGIOUS**
9 **BACKGROUND (HEARING UNDER EVIDENCE CODE SECTION 402)**

10 on the interested parties by transmitting a true and correct copy thereof via facsimile number
referenced below to:

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

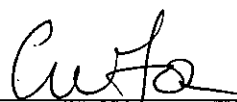
14 ☒ **VIA PERSONAL DELIVERY:**

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

17 I declare under penalty of perjury under the laws of the State of California that the
18 above is true and correct and was executed on March 14, 2012, at Los Angeles, California.

19 

20 Print Name

21 

22 Signature

03/14/12

EXHIBIT A

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

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

DEPOSITION OF DAVID COPPEDGE

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

EA

11:31:20 1 would do if based upon -- Well, strike that.

2 Nevermind.

3 Did you ever have any dealings with a Human
4 Resources person by the name of Jackie Clennan-Price?

11:31:41 5 A. No, not directly. I only learned of her in
6 the depositions in the discovery.

7 Q. So let me make sure the question and the
8 answer is clear.

9 Did you ever have any interaction of any
11:31:56 10 kind with Jackie Clennan-Price during your
11 employment?

12 A. No.

13 Q. Let me ask you: With respect to Jhertaune
14 Huntley, prior to March of 2009, had you ever had any
11:32:10 15 dealings with her?

16 A. No.

17 Q. Had you ever heard anything about her prior
18 to March of 2009 -- Strike that.

19 Had you ever heard anything about Jhertaune
11:32:21 20 Huntley prior to March of 2009?

21 A. No.

22 Q. Had you ever heard anything about Jackie
23 Clennan-Price during your employment?

24 A. No.

11:32:32 25 Q. Let me ask you about Richard Van Why. Had

02:22:22 1 A. No, not to me. Whatever happened was behind
2 my back.

3 Q. Did anyone else ever tell you -- in other
4 words, someone heard them say it, but you didn't.

02:22:29 5 Did anyone else ever tell you that Richard Van Why,
6 Sonja Wendt, Diane Conner or Bob Mitchell ever made
7 any statement indicating a desire to retaliate
8 against you for any reason?

9 A. No, not that I heard directly.

02:22:48 10 Q. Or did anyone else ever tell you that they
11 heard such a statement directly from any of those
12 people?

13 A. No.

02:23:10 14 Q. Did you ever have any dispute with Diane
15 Conner regarding intelligent design, religion or
16 politics?

17 A. No.

02:23:27 18 Q. Did you ever have any disagreement with
19 Richard Van Why about religion, politics or
20 intelligent design?

21 A. No.

22 Q. Did you ever have any disagreement with Bob
23 Mitchell over intelligent design, religion or
24 politics?

02:23:41 25 A. No.

02:23:42

1

Q. Did you ever discuss intelligent design,
religion or politics with Richard Van Why?

2

3

A. I don't recall. Probably not.

4

MR. BECKER: Just one second.

02:24:02

5

MR. ZAPP: Let's go off the record for just

6

a second.

7

THE VIDEOGRAPHER: The time is 2:24 p.m.

8

We're off the videotape record.

9

(Brief recess.)

02:24:23

10

THE VIDEOGRAPHER: The time is 2:24 p.m.

11

We're back on the videotape record.

12

BY MR. ZAPP:

13

Q. Did you ever discuss intelligent design,

14

religion or politics with Diane Conner?

02:24:32

15

A. Yes.

16

Q. When did you have discussions with her?

17

A. When she borrowed one of my DVDs and then

18

bought one.

19

Q. Did you ever have any sense that she was

02:24:45

20

offended in any way by that?

21

MR. BECKER: Who are we talking about?

22

MR. ZAPP: Diane Conner.

23

THE WITNESS: No.

24

BY MR. ZAPP:

02:24:52

25

Q. Anything at all that -- did you ever have

02:24:55 1 any discussion about intelligent design, religion or
2 politics with Bob Mitchell?

3 A. Not to my knowledge.

4 Q. Did you ever have any discussion about
02:25:06 5 intelligent design, religion or politics with Sonja
6 Wendt?

7 A. No.

8 Q. Ever have any discussion about religion,
9 politics or intelligent design with Jackie
02:25:16 10 Clennan-Price?

11 A. No. I never met her.

12 Q. Did you ever have any discussion about
13 intelligent design, religion or politics with Sue
14 Linick?

02:25:25 15 A. No, I don't believe so.

16 Q. Did you ever have any communication of any
17 kind about intelligent design, religion or politics
18 with Kathryn Weld?

19 A. No, I don't believe so.

02:25:42 20 Q. Same question with respect to Julie Webster.
21 In other words, any discussion or communication
22 regarding any of those three topics?

23 A. Not directly. I'm not sure what any of
24 these people knew by talking behind my back --

02:25:58 25 Q. But --

02:25:59

1 A. -- but not directly, no.

2 Q. Okay. And did you ever have any discussion
3 about intelligent design, religion or politics with
4 Nancy Grenander?

02:26:12

5 A. I don't think so.

6 Q. Ever have any discussion about intelligent
7 design, religion or politics with Tammy Fujii?

8 A. I'd have to consult my notes. I don't
9 recall.

02:26:32

10 Q. Well, do you recall ever having any
11 disagreement with her, that is, Tammy Fujii, about
12 any of those topics?

13 A. No.

02:26:48

14 Q. Other than in the context of the warning
15 letter and subsequent events, did you ever have any
16 discussion with Kevin Klenk about intelligent design,
17 religion or politics; in other words, at any time
18 prior to April 13, 2009?

02:27:08

19 A. I don't recall. When he first came on, we
20 had a pleasant conversation; mentioned a number of
21 things, some mutual interests. But I don't recall
22 intelligent design coming up.

02:27:23

23 Q. Did you talk about religion at all? For
24 example, did you learn that he was Catholic or
25 anything of that sort?

1 REPORTER'S CERTIFICATE

2
3 I, Jan M. Roper, a Certified Shorthand
4 Reporter No. 5705, do hereby certify:

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

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

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

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

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

23
24 
25 JAN M. ROPER, RPR, CSR NO. 5705

03/14/12

1
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA

3 FOR THE COUNTY OF LOS ANGELES

4
5 DAVID COPPEDGE, AN INDIVIDUAL,)

6 PLAINTIFF,)

7 VS.)

) CASE NO.

) BC 435600

8 JET PROPULSION LABORATORY, FORM)

9 UNKNOWN; CALIFORNIA INSTITUTE)

10 OF TECHNOLOGY, FORM UNKNOWN;)

11 GREGORY CHIN, AN INDIVIDUAL;)

12 CLARK A. BURGESS, AN INDIVIDUAL;)

13 KEVIN KLENK, AN INDIVIDUAL; AND)

14 DOES 1 THROUGH 25, INCLUSIVE,)

15 DEFENDANTS.)

ORIGINAL

16
17 DEPOSITION OF MARGARET WEISENFELDER,

18 TAKEN ON MONDAY, FEBRUARY 28, 2011

19
20
21
22
23 REPORTED BY:

24 HEIDI SULLIVAN

25 CSR NO. 6600

FILE NO.: 11-120

24

A. SULLIVAN REPORTERS
COURT REPORTERS

25

2420 W. CARSON STREET, SUITE 210

TORRANCE, CALIFORNIA 90501

PHONE 310 • 787 • 4497

FAX 310 • 787 • 1024

ERB

1 EXISTENCE?

2 MS. FOX: VAGUE. CALLS FOR SPECULATION.

3 THE WITNESS: I BELIEVE THAT IT IS.

4 BY MR. BECKER:

5 Q. WHO HEADS UP THE CHURCH?

6 MS. FOX: SAME OBJECTIONS.

7 THE WITNESS: I DON'T REMEMBER.

8 MR. BECKER: LET ME GO OFF THE RECORD FOR
9 JUST A SECOND.

10 (DISCUSSION HELD OFF THE RECORD.)

11 MR. BECKER: OFF THE RECORD, I WAS POINTING
12 OUT TO COUNSEL THAT THE METAPHYSICAL INTERFAITH
13 CHURCH POTENTIAL WEBSITES DON'T SEEM TO BE ACCESSIBLE
14 HERE AT THE PAUL HASTINGS OFFICES.

15 AND SO OVER THE LUNCH BREAK, I'LL TRY TO
16 ACCESS THEM ELSEWHERE, AND WE'LL COME BACK TO THAT
17 AREA OF QUESTIONING AFTER THAT BREAK.

18 Q. DO YOU KNOW WHAT KIND OF FAITH DAVID
19 HAS?

20 A. NO.

21 MS. FOX: OBJECTION TO THE EXTENT IT CALLS
22 FOR --

23 BY MR. BECKER:

24 Q. YOU DON'T --

25 MS. FOX: -- SPECULATION.

1 BY MR. BECKER:

2 Q. DO YOU KNOW WHETHER HE'S A CHRISTIAN?

3 MS. FOX: SPECULATION.

4 THE WITNESS: NO.

5 BY MR. BECKER:

6 Q. DO YOU KNOW WHAT RELIGION HE IS?

7 MS. FOX: SAME OBJECTION.

8 THE WITNESS: NO, I DON'T.

9 BY MR. BECKER:

10 Q. HAVE YOU EVER COMPLAINED TO GREG CHIN
11 ABOUT ANY OTHER COWORKER FOR ANY REASON?

12 MS. FOX: OBJECTION. VAGUE AS TO
13 "COMPLAINED." OVERBROAD. VAGUE AS TO TIME.

14 THE WITNESS: I DON'T REMEMBER DOING THAT. I
15 DON'T REMEMBER COMPLAINING ABOUT ANYONE BEFORE.

16 BY MR. BECKER:

17 Q. SO DAVID WAS THE FIRST PERSON; RIGHT?

18 A. THAT I RECALL?

19 Q. YES.

20 MS. FOX: SAME OBJECTIONS.

21 BY MR. BECKER:

22 Q. AND THE ONLY PERSON.

23 MS. FOX: SAME OBJECTIONS.

24 THE WITNESS: THAT I RECALL.

25 ///

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

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

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

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

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

20
21 IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME THIS

22 22 DAY OF March, 2011.

23

24

25

Heidi Sullivan

LICENSE NUMBER 6600

03/14/12

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 DEFENDANTS.)
18)
19)
20)
21)
22)
23)
24)
25)

ORIGINAL

DEPOSITION OF SCOTT EDGINGTON,

TAKEN ON TUESDAY, FEBRUARY 22, 2011

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

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

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

GC

1 CHURCH?

2 A. IT WOULD HAVE BEEN A WEDDING.

3 Q. A WEDDING?

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

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

8 A. YES, I USED TO.

9 Q. WHEN DID YOU CEASE DOING THAT?

10 A. WHEN I WENT TO GRADUATE SCHOOL.

11 Q. GRAD SCHOOL IS ALWAYS WHAT DOES IT.

12 DID DAVID EVER TALK TO YOU ABOUT HIS
13 RELIGIOUS FAITH?

14 A. NO.

15 Q. NEVER CAME UP AT ALL?

16 A. NO.

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

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

22 TAKE A MINUTE TO LOOK AT IT.

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

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

5 BY MR. BECKER:

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

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

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

13 BY MR. BECKER:

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

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

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

21 BY MR. BECKER:

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

24 MS. FOX: OBJECTION. VAGUE. ARGUMENTATIVE.

25 THE WITNESS: EVERYONE HAS CIVIL RIGHTS.

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

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

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

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

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

20
21 IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME THIS

22 10th DAY OF MARCH, 2011

23
24 Heidi Sullivan

25 LICENSE NUMBER 6600