

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

7 Attorneys for Defendant
8 CALIFORNIA INSTITUTE OF TECHNOLOGY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 14 2011

John A. Clarke, Executive Officer/Clerk
By Glorianna Robinson, Deputy
GLORIETTA ROBINSON

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 DAVID COPPEDGE, an Individual,

12 Plaintiff,

13 vs.

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

18 Defendants.

CASE NO. BC 435600

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION *IN LIMINE* NO. 1
TO PERMIT THE SHOWING OF TWO
INTELLIGENT DESIGN DVDS TO THE
JURY**

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

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 As Caltech anticipated, Coppedge seeks to show at trial two DVDs about intelligent
4 design: “Unlocking the Mystery of Life” and “The Privileged Planet.” Incredibly, Coppedge’s
5 primary argument is that these DVDs go to the witnesses’ state of mind – even though no witness
6 ever complained about the DVDs’ contents, and multiple witnesses *never even watched* them.
7 Indeed, Coppedge’s own motion states:

8 The evidence in this case shows that the accusers had either scant
9 knowledge or no knowledge concerning what the DVDs are about.

10 Motion at 1:23-24. If the witnesses had no (or very little) knowledge of “what the DVDs are
11 about,” their complaints of harassment necessarily *could not* have concerned the DVDs’ contents,
12 but instead pertained, as Caltech asserts, to the manner in which Coppedge presented them.

13 More importantly, only one employee complained about a DVD at all – Margaret
14 Weisenfelder – and she testified explicitly that “it was not the content of the DVD that made [her]
15 feel targeted; it was the sticky note on the back of the cover.” Weisenfelder 22:5-7.¹ As for
16 employees Carmen Vetter and Scott Edgington, both had received one or more intelligent design
17 DVDs from Coppedge years prior, in 2005 – and neither complained. When they were
18 interviewed during the investigation, they expressed concern about Coppedge’s conduct, not the
19 DVDs or intelligent design. Greg Chin, who was fully aware that Coppedge had been distributing
20 the DVDs since the early 2000’s, never complained that Coppedge harassed him at all; indeed,
21 Coppedge testified that they had an excellent relationship before March 2, 2009.

22 In short, these DVDs have no relevance whatsoever to this lawsuit. From the outset,
23 Coppedge and his supporters at the Alliance Defense Fund and the Discovery Institute have
24 viewed this case as a means to promote and publicize intelligent design. One way they seek to do
25 so is by playing the two DVDs at issue to the jury, regardless of the fact that the witnesses have
26 little or no knowledge of their contents. The media have recognized these publicity goals. In an

27 _____
28 ¹ See Declaration of Cameron W. Fox (“Fox Declaration”), Exhibit B, filed concurrently
herewith. All deposition testimony cited herein is attached to the Fox Declaration.

1 article about the upcoming trial in this case, one publication noted that “The Discovery Institute is
2 not loosing the grip on its aggressive PR campaign.”²

3 Playing the DVDs will not be probative of any material fact in this case, and will serve
4 only to confuse and prejudice the jury, as well as resulting in a waste of time. The Court should
5 not condone this misuse of the trial process.

6 **II. CLARIFICATION OF PLAINTIFF’S FACTUAL MISSTATEMENTS**

7 Coppedge’s ardent desire to show the DVDs at trial has led him to twist the facts beyond
8 recognition. Caltech clarifies some of the more egregious misrepresentations, below. As the
9 actual facts make clear, none of Coppedge’s co-workers complained about the *content* of the
10 intelligent design DVDs or Coppedge’s belief in intelligent design. Rather, they objected to the
11 *manner* in which he presented them.

<u>Coppedge’s Assertion</u>	<u>Actual Facts</u>
<p>13 “Plaintiff loaned a DVD copy 14 of UTMOL to [Weisenfelder]. 15 . . . After viewing portions of 16 the DVD, Weisenfelder went 17 to Chin complaining that 18 Plaintiff had ‘harassed’ her 19 with his belief in intelligent 20 design.” Mot. at 2:19-23.</p>	<p>Coppedge has no basis to suggest that it was the DVD’s content that concerned Weisenfelder. As noted above, she testified that “it was the sticky note on the back of the [DVD] cover” that troubled her, not the DVD’s content. Weisenfelder 22:5-7. Further, Weisenfelder made clear in general that it was Coppedge’s “persisten[ce]” that made her feel uncomfortable, not what he was saying. <i>Id.</i> 109:24-110:25; 127:2-21; 145:22- 147:12; Ex. 31.</p>
<p>18 “Chin . . . singled out 19 [Coppedge’s] intelligent 20 design DVDs as representing 21 an unacceptable ‘personal 22 belief’ that should be reserved 23 for Bible group discussion 24 (Ex. No. 2 . . .)” Mot. at 2:24- 25 3:2.</p>	<p>This allegation is entirely erroneous. There is simply no evidence that Chin was hostile to Coppedge’s distribution of intelligent design DVDs, if done appropriately. Chin was aware that Coppedge had been distributing DVDs since at least the early 2000’s (Chin 178:13-17)³ – but never spoke to him about it until an employee (Weisenfelder) complained of harassment in 2009. In fact, Coppedge testified that he and Chin had a great relationship for years. <i>See, e.g.,</i> Coppedge 141:25-142:4 (“Greg has been a great boss, and I’ve worked with him for eight years. He’s a great guy. He’s competent. He’s knowledgeable. He does a lot of good for us. And I was frankly shocked at this outburst.”)⁴ Chin likewise “got along great” with an uncle whom he described as having a “strong belief in intelligent design.” Chin 134:19-21. Furthermore, Coppedge is misrepresenting the document that he cites here, Chin’s email to Employee Relations;</p>

26 ² Beige Luciano-Adams, *Notes from the Science Desk: Jury to decide JPL discrimination lawsuit*,
27 Pasadena Star-News (November 30, 2011). The full text of this article is attached as Exhibit A to
the Fox Declaration.

28 ³ Fox Declaration, Exhibit C.

⁴ Fox Declaration, Exhibit D.

12/14/11

1	Chin never even mentions the DVDs, much less "single[s]" them out. <i>Id.</i> Declaration of W. Becker, Jr. In Support of Motion <i>in Limine</i> No. 1, Ex. 2.
2 3 4 5 6	"Chin ordered Plaintiff to stop handing out DVDs about intelligent design ... (Ex. No. 3, Coppedge Dep. Tr. 290:10-15)." Mot. at 3:3-4.
7 8 9 10 11 12 13 14	This allegation is likewise false. Chin did not tell Coppedge that he was prohibited from distributing the DVDs. Chin 154:13-23. Rather, Chin asked him to refrain from doing so during work hours, because Chin "did not want him to be disrupting other individuals." Chin 154:22-23. Distribution "after hours, during breaks, lunch, and non--work time periods, that's fine." Chin 154:19-21.
15 16 17 18 19 20 21 22 23 24 25 26 27 28	Coppedge contends that "Edgington told [Vetter] that he was 'bothered' by Plaintiff's religious beliefs, while asserting that he "never discussed religion with Edgington" and that Edgington believes intelligent design to be religion, in order to suggest that Edgington complained about Coppedge's views on intelligent design. Mot. at 3-4.

III. THE CONTENT OF THE DVDS SHOULD BE EXCLUDED

As Caltech made clear in its Motion *in Limine* #2 for an order excluding these DVDs (and other materials of this type), and as reiterated above, the contents of these DVDs are irrelevant. The only relevant inquiry is whether Caltech engaged in religious discrimination or retaliation against Coppedge. Coppedge concedes that the employees who complained about his conduct had little or no knowledge of the DVDs – and the record shows that none of them complained about the content of the DVDs. It is also undisputed that Caltech investigator Jhertaune Huntley did not view the DVDs as part of her investigation. Because the employees did not complain about the DVDs' contents and the DVDs' contents were not considered in the investigation, they are irrelevant to any issue in the case. The DVDs are also inadmissible hearsay, and properly excluded on multiple grounds under Evidence Code section 352.

⁵ Fox Declaration, Exhibit E.
⁶ Fox Declaration, Exhibit F.

12/14/11

1 **IV. PLAINTIFF FAILS TO ESTABLISH THAT THE DVDS' CONTENTS ARE**
2 **ADMISSIBLE**

3 **A. The DVDs Are Not Relevant To This Action And Should Be Excluded Under**
4 **California Evidence Code Sections 210 and 350.**

5 Coppedge's primary argument – that the DVDs go to the witnesses' state of mind – is
6 nonsensical, in light of his admission that the witnesses had little or no knowledge of the DVDs.
7 Something a witness has never seen plainly cannot influence the witness's actions, meaning the
8 DVDs' contents are immaterial. Yet, according to Coppedge, the witnesses perceived intelligent
9 design as religion, and accused him of harassment because of this purported misconception. He
10 then contends that the jury must determine whether intelligent design actually is religion to decide
11 this case.

12 Coppedge is wrong in every respect.

13 First, his logic is flawed from the outset. Coppedge assumes that the witnesses would
14 have had to perceive his speech as religious to view it as harassment. Not so. Conduct can be
15 harassing, regardless of its content, hence the many recognized types of harassment (e.g. racial,
16 sexual, etc.). Here, Caltech's witnesses felt harassed by the *manner* of Coppedge's speech; its
17 content was irrelevant.

18 Second, even assuming *arguendo* that the witnesses felt harassed based upon the content
19 of Coppedge's speech, whether intelligent design actually is religion is still irrelevant. Coppedge
20 claims that the witnesses perceived intelligent design as religion, as well he must, because
21 otherwise he has no case; intelligent design is not protected under either the Fair Employment and
22 Housing Act or public policy. This issue can properly be explored through testimony, just as
23 Coppedge did during the witness depositions. In contrast, screening DVDs that some witnesses
24 *never even saw* (and about which none complained) sheds no light on whether the witnesses
25 considered intelligent design to be religion.⁷

26 Third, it does not matter whether the witnesses were "wrong" in perceiving intelligent
27 design as religion (even assuming they did so). This is a religious discrimination case, not a trial

28 ⁷ There is at least some question as to how the witnesses perceive intelligent design. For
example, Vetter testified that she did not recall whether The Privileged Planet discussed religion,
suggesting that she does not equate intelligent design with religion. Vetter 110:14-16; 111:2-4.

1 on the merits of intelligent design. Whether the *witnesses* perceived intelligent design as religion
2 in no way suggests that the *jury* must decide for itself whether intelligent design is religion – by
3 viewing the DVDs or otherwise. Indeed, allowing the jury to engage in such an irrelevant,
4 prejudicial inquiry would introduce error, not eliminate it.

5 Finally, Coppedge’s reliance on stereotyping case law is misplaced. Coppedge suggests
6 that the witnesses viewed the DVDs as religious due to stereotyping of intelligent design as akin
7 to creationism. Even if they had this view, this is not stereotyping, but rather consistent with a
8 legitimate – and widely held – view that intelligent design is no different from creationism.⁸

9 Coppedge disagrees with this view, but not every disagreement constitutes a stereotype.
10 Stereotyping occurs when an individual assumes characteristics or conduct of an individual on the
11 basis of group membership.⁹ Further, even if the witnesses viewed the DVDs as religious
12 because of preconceptions about intelligent design, this does not warrant screening of the DVDs,
13 for the reasons discussed above.

14 Coppedge offers little articulation of his other relevance argument – that the DVDs reflect
15 witness credibility – but it fails as well. Assuming *arguendo* that whether the witnesses and/or
16 decisionmakers watched the DVDs is relevant to credibility, these are facts that can be established
17 through testimony. Showing the DVDs adds nothing, and therefore is unnecessary and irrelevant.

18 **B. These Matters Should Be Excluded Under California Evidence Code Section**
19 **352.**

20 The DVDs are inadmissible under California Evidence Code section 352.

21 ⁸ This is the position taken by all leading scientific organizations (including the National
22 Academy of Sciences and the American Association for the Advancement of Science), and at
23 least one court. *See Kitzmiller v. Dover Area School Dist.*, 400 F. Supp. 2d 707, 726 (M.D. Pa.
2005) (“The overwhelming evidence at trial established that ID is a religious view, a mere re-
24 labeling of creationism, and not a scientific theory.”).

25 ⁹ *See, e.g., Lindahl v. Air France*, 930 F.2d 1434, 1439 (9th Cir. 1991) (district manager saw
26 “[male candidate] as aggressive and cool . . . , while he saw the female candidates as nervous and
27 emotional. His comments could suggest that [he] made his decision on the basis of stereotypical
28 images of men and women . . .”). Coppedge’s reliance on *Raad v. Fairbanks N. Star Borough*
Sch. Dist., 323 F.3d 1185 (9th Cir. 2003), another stereotyping case, is misplaced. In *Raad*, the
employer contended that it terminated the plaintiff, a Muslim, because she made a bomb threat.
Id. at 1196. *Raad* disputed that she made a bomb threat. *Id.* at 1188, 1196. Unlike in *Raad*,
where the employer’s perception differed due to stereotyping, Caltech and Coppedge agree as to
what happened here: Coppedge discussed his views on intelligent design, the holiday party, and
Proposition 8 with co-workers. Coppedge is merely trying to conjure some excuse to show the
DVDs to the jury, hence his desire to characterize views of intelligent design as “stereotyping.”

1 First, Coppedge's argument that Caltech will not be unduly prejudiced by the DVDs is
2 belied by his own words: "By the time they have seen [the DVDs], jurors will wonder what all
3 the fuss was about . . ." Mot. at 7:19-21. Coppedge's statement makes clear that he actively
4 seeks to unduly prejudice the jury with the DVDs, in the hope that they will improperly decide
5 the case based on their opinion of intelligent design, rather than properly focusing on whether
6 Coppedge experienced religious discrimination or harassment. And Coppedge would much
7 prefer the jury to be persuaded by these "highly polished productions" (Mot. at 8:24-25), instead
8 of the facts of the case.

9 Second, Coppedge's argument that confusion will not result is even less persuasive. He
10 states that "[r]ather than being confused or misled, jurors will be enlighten[ed] in a way the
11 Defendant's employees were not." Mot. at 8:9-10. Not only is Coppedge confirming, again, that
12 the DVDs are irrelevant (because the witnesses never watched them), he fails to explain why
13 "enlightening" the jury about intelligent design will prevent, rather than introduce, confusion. In
14 fact, the jury *will* be confused about the claims at issue here, and be misled into thinking this case
15 is a forum for deciding whether intelligent design and/or religious doctrines are "right" or
16 "wrong," rather than a lawsuit to determine whether religious discrimination or retaliation took
17 place.

18 Finally, Coppedge's claim that the DVDs will not waste time because they are only an
19 hour each (and will take less time to review than a transcript) misses the point: they are
20 completely irrelevant, so any use of trial time for this purpose is wasteful. Moreover, the time
21 expenditure is not minimal, as Coppedge suggests, but rather approaches *half* a trial day.

22 C. **The DVDs Should Be Excluded As Inadmissible Hearsay, Not Subject To Any**
23 **Exception.**

24 The DVDs also must be excluded because they are offered for the truth of the
25 propositions they assert about intelligent design, hence Coppedge's claim that the "jurors will be
26 enlighten[ed]" by the DVDs. The DVDs are therefore inadmissible hearsay, and no hearsay
27 exception applies. Coppedge may contend that the DVDs go to witness state of mind, but as
28 discussed above, that is not the case.

1 **V. THE DVD TRANSCRIPTS ARE LIKEWISE INADMISSIBLE AND SHOULD**
2 **LIKEWISE BE EXCLUDED**

3 In the event the Court properly prevents Coppedge from showing the DVDs, he seeks to
4 give transcripts of the DVDs to the jury. The transcripts, like the DVDs, should be excluded for
5 all of the reasons discussed above. The transcripts also present an additional basis for exclusion:
6 the jury could give these transcripts undue weight as written documents, thus increasing the
7 already substantial risk of undue prejudice to Caltech from exposing the jury to the DVDs'
8 contents.

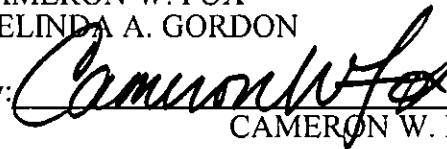
9 **VI. CONCLUSION**

10 For the foregoing reasons, Caltech respectfully requests that the Court deny Coppedge's
11 Motion *in Limine* to permit showing intelligent design DVDs to the jury.

12 DATED: December 14, 2011

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

13
14 By:



CAMERON W. FOX

15
16 Attorneys for Defendant
CALIFORNIA INSTITUTE OF TECHNOLOGY

DECLARATION OF CAMERON W. FOX

I, Cameron W. Fox, declare:

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

2. This Declaration is submitted in support of Defendant's Opposition to Plaintiff's Motion *In Limine* No. 1 To Permit The Showing Of Two Intelligent Design DVDs To The Jury ("Motion").

3. Attached hereto as **Exhibit A** is a true and correct copy of the article titled "Notes from the Science Desk: Jury to decide JPL discrimination lawsuit," printed in the Pasadena Star-News on November 30, 2011.

4. Attached hereto as **Exhibit B** are true and correct copies of excerpts from the deposition of Margaret Weisenfelder, taken on February 28, 2011, and exhibit 31 to that deposition.

5. Attached hereto as **Exhibit C** are true and correct copies of excerpts from Day One of the deposition of Greg Chin, taken on February 3, 2011.

6. Attached hereto as **Exhibit D** are true and correct copies of excerpts from Day One of the deposition of David Coppedge, taken on September 30, 2010.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

8. Attached hereto as **Exhibit F** are true and correct copies of excerpts from the deposition of Carmen Vetter, taken on February 22, 2011.

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

Executed this 14th day of December, 2011, at Los Angeles, California.


CAMERON W. FOX

12/14/11

12/14/11

EX.A

EXHIBIT A

Notes from the Science Desk: Jury to decide JPL discrimination lawsuit

Posted: 11/30/2011 10:15:33 PM PST

A Los Angeles Superior Court judge has opted to let a jury decide whether NASA's Jet Propulsion Laboratory discriminated against a former employee who claims he was fired for discussing intelligent design, the Discovery Institute reported this week.

A conservative Christian think tank known for its promotion of the intelligent design theory, the Discovery Institute claims David Coppedge was demoted then wrongfully terminated for "simple viewpoint discrimination."

A well-known figure among proponents of "intelligent design" - the protoscientific strain of creationism that attributes life and the universe to the hand of an intelligent being - Coppedge writes the blog Creation-Evolution-Headlines.

In an email, Discovery spokesman Andrew McDiarmid contended JPL demoted veteran employee David Coppedge for "pushing religion" on account of his loaning intelligent design DVDs to coworkers.

JPL has contended Coppedge was part of "a natural attrition" - let go in a round of routine layoffs related to Cassini's shrinking, extended budget.

In an email Wednesday, JPL spokeswoman Veronica McGregor said, "The suit is completely without merit, and we intend to vigorously fight the allegations raised by Mr. Coppedge."

But the Discovery Institute is not losing the grip on its aggressive PR campaign. It threatened in this week's release that the case against JPL "will

remind employers that it is costly to discriminate against ID in the

workplace."

Caltech team reports new HIV genetic therapy

A Caltech team led by President Emeritus and Nobel Laureate Dr. David Baltimore has discovered a new technique that prevents HIV infection in mice, Caltech reported Wednesday.

The research builds on breakthroughs in HIV-neutralizing antibodies by developing a way to deliver them directly to mice, sidestepping the immune system's role in traditional vaccine therapies.

Working on "humanized" mice (with humanized immune cells that can grow HIV), Baltimore's team used a "carrier" virus to deliver targeted gene therapies that cause the mice to produce high concentrations of neutralizing antibodies, which protected the animals when researchers exposed them to HIV.

"We're not promising that we've actually solved the human problem," Baltimore said. "But the evidence for prevention in these mice is very clear."

Baltimore added that his team is now working on a plan to take the research to clinical human trials.

Their work is published in the Nov. 30 online advance issue of Nature.

Also in Nobel Laureate news this week ...

Professor Ahmed Zewail - who caught the world's attention when he traveled home to Egypt during this year's revolution to help guide the formation of a transitional government - made it to the top of this year's Top American Leaders list.

The list, published by The Washington Post and Harvard Kennedy School's Center for Public Leadership, also names six others this year - including New Jersey Gov. Chris Christie and New York Times columnist Nicholas Kristof.

Zewail, a Nobel Laureate in chemistry, expressed his thanks and dedicated the award to those in his native Egypt "who have died in the struggle against oppression."

"Ahmed's exceptional achievements as a pioneering scientist, an extraordinary professor, and a regarded statesman of the world make him an ideal candidate to receive this honor," said Caltech president Jean-Lou Chameau.

"We at Caltech are, as always, extremely proud of him."

Compiled by staff writer Beige Luciano-Adams

12/14/11

EX.B

EXHIBIT B

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

5 DAVID COPPEDGE, AN INDIVIDUAL,)
6)
7)
8)
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

PLAINTIFF,)

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)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

DEFENDANTS.)

**CERTIFIED
COPY**

17 DEPOSITION OF MARGARET WEISENFELDER,
18 TAKEN ON MONDAY, FEBRUARY 28, 2011
19
20
21
22
23

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

24

25

**A. SULLIVAN REPORTERS
COURT REPORTERS**

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

EX.B

1 DVD.

2 Q. WAS THERE SOMETHING ABOUT THE CONTENT
3 THAT MADE YOU FEEL THAT YOU WERE BEING TARGETED TO
4 CHANGE AN OPINION YOU MIGHT HOLD?

5 A. IT WAS NOT THE CONTENT OF THE DVD THAT
6 MADE ME FEEL TARGETED; IT WAS THE STICKY NOTE ON THE
7 BACK OF THE COVER.

8 Q. OKAY. DO YOU HAVE A VIEW ABOUT
9 INTELLIGENT DESIGN?

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

11 THE WITNESS: AS FAR AS THE IDEA THAT THERE
12 IS A DIVINE BEING BEHIND THE CREATION OF EVERYTHING,
13 I HAVE NO PROBLEM WITH THAT. AND THAT'S WHAT I
14 UNDERSTAND INTELLIGENT DESIGN, THAT THERE'S AN
15 INTELLIGENCE BEHIND THE DESIGN OF CREATION
16 EFFECTIVELY.

17 BY MR. BECKER:

18 Q. DO YOU RECALL ANYTHING WITHIN THE
19 DOCUMENTARY THAT MENTIONED THAT THE INTELLIGENT AGENT
20 BEHIND THE DESIGN OF ANYTHING -- THE DESIGN OF LIFE,
21 FOR INSTANCE -- IS GOD OR A DIVINITY OR A DIVINE
22 BEING?

23 A. I DON'T REMEMBER SPECIFICALLY. I DID
24 FAST-FORWARD THROUGH LARGE CHUNKS OF IT.

25 Q. DO YOU BELIEVE THAT THIS WAS A RELIGIOUS

12/14/11

1 CHURCH?

2 A. NO.

3 MS. FOX: OBJECTION. VAGUE.

4 BY MR. BECKER:

5 Q. YOU DON'T CLAIM ANY SERVICES YOU PROVIDE
6 AS A MEMBER OF THAT -- AS AN ORDAINED MINISTER OF
7 THAT CHURCH ON YOUR INCOME TAX?

8 MS. FOX: VAGUE.

9 THE WITNESS: NO.

10 BY MR. BECKER:

11 Q. HAS DAVID EVER BEEN RUDE OR INSENSITIVE
12 TO YOU?

13 MS. FOX: OBJECTION. COMPOUND. VAGUE AS TO
14 "RUDE." VAGUE AS TO "INSENSITIVE." AND OVERBROAD AS
15 TO TIME.

16 THE WITNESS: I DON'T REMEMBER HIM EVER BEING
17 RUDE TO ME.

18 WHAT DO YOU MEAN BY "INSENSITIVE"?

19 BY MR. BECKER:

20 Q. WELL, YOU KNOW WHEN SOMEBODY IS BEING
21 INSENSITIVE, DON'T YOU?

22 MS. FOX: OBJECTION. VAGUE AS TO
23 "INSENSITIVE."

24 THE WITNESS: WHEN I WAS UNCOMFORTABLE
25 TALKING TO HIM DURING THE PROPOSITION 8 DISCUSSION,

1 HE WAS NOT SENSITIVE TO MY DISCOMFORT.

2 BY MR. BECKER:

3 Q. WHAT SHOULD HE HAVE DONE?

4 MS. FOX: OBJECTION. CALLS FOR SPECULATION.

5 INCOMPLETE HYPOTHETICAL.

6 BY MR. BECKER:

7 Q. OR WHAT DID HE DO THAT YOU FEEL WAS
8 INSENSITIVE?

9 A. HE WAS PERSISTENT.

10 Q. WHAT DID HE SPECIFICALLY DO?

11 WHEN YOU SAY HE WAS PERSISTENT, YOU'RE
12 REFERRING TO HIM DOING SOMETHING PERSISTENTLY.

13 WHAT DID HE DO THAT YOU FEEL WAS
14 INSENSITIVE?

15 A. WHEN HE ASKED ME IF THERE WAS ANYTHING
16 HE COULD SAY TO CHANGE MY MIND.

17 Q. YOU FELT THAT WAS INSENSITIVE?

18 A. I FELT THAT HIS PERSISTENCE WAS NOT
19 SENSITIVE.

20 Q. BUT THAT WAS HIS PERSISTENCE, WHEN HE
21 ASKED YOU WHETHER THERE WAS ANYTHING HE COULD SAY TO
22 CHANGE YOUR MIND; RIGHT?

23 A. YES.

24 Q. ANYTHING ELSE?

25 A. NO.

11/11/71

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. NO.

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

I BELIEVE WE'RE AT 31?

MR. COPPEDGE: YEAH.

MS. FOX: YES.

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

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

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

THE WITNESS: OKAY. I FINISHED READING.

BY MR. BECKER:

Q. DO YOU REMEMBER MEETING WITH JHERTAUNE
HUNTLEY?

A. YES, I DO.

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

A. IT WAS IN MARCH.

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

A. NO.

Q. HAVE YOU TALKED TO HER SINCE THE ONE

12/14/11

1 THE WITNESS: I DON'T KNOW.

2 BY MR. BECKER:

3 Q. YOU WOULD SEE HIM PASS BY FROM TIME TO
4 TIME, WOULDN'T YOU?

5 A. NOT NECESSARILY. MY CUBICLE IS -- AT
6 THAT TIME HAD A WALL HERE AND A WALL HERE, AND THE
7 HALLWAY WAS HERE. SO I WAS IN THAT SPACE.

8 Q. WHAT YOU'RE SAYING IS THAT THE CUBICLE
9 WALLS OBSTRUCTED YOUR VIEW OF PEOPLE WALKING BY; IS
10 THAT RIGHT?

11 A. THAT'S CORRECT.

12 MS. FOX: WE'RE AT ABOUT AN HOUR. I'D LOVE A
13 RESTROOM BREAK WHEN IT'S CONVENIENT.

14 MR. BECKER: JUST A MINUTE.

15 MS. FOX: DID YOU HEAR ME?

16 MR. BECKER: WHAT DO YOU NEED?

17 MS. FOX: WE'RE AT ABOUT AN HOUR. I'D LOVE A
18 RESTROOM BREAK WHEN IT'S CONVENIENT.

19 MR. BECKER: LET'S DO IT.

20 (RECESS.)

21 BY MR. BECKER:

22 Q. LOOKING AT EXHIBIT 31, ABOUT HALFWAY
23 DOWN ON THE FIRST PAGE, IT SAYS, "MARGARET STATED TO
24 DAVE" -- DO YOU SEE WHERE IT SAYS THAT? LOOK TOWARD
25 THE END OF THE LINE THERE -- "MARGARET STATED TO DAVE

12/14/11

1 THAT SHE DID NOT AGREE WITH HIS VIEWPOINT ON PROP 8
2 AND DID NOT WANT TO DISCUSS THE ISSUE WITH HIM
3 BECAUSE HE WAS SO PERSISTENT."

4 NOW, YOUR TESTIMONY EARLIER WAS THAT YOU
5 DIDN'T TELL HIM THAT YOU DID NOT WANT TO DISCUSS THE
6 ISSUE. YOU JUST TOLD HIM YOU DIDN'T AGREE WITH HIM.

7 DID YOU TELL JHERTAUNE HUNTLEY THAT YOU
8 TOLD DAVID THAT YOU DID NOT WANT TO DISCUSS THE ISSUE
9 WITH HIM BECAUSE HE WAS SO PERSISTENT?

10 A. I DON'T REMEMBER MY EXACT WORDS, BUT I
11 DO REMEMBER THAT I TOLD HIM THAT I DIDN'T HAVE ANY
12 RESPECT FOR THE PROPOSITION BUT I HAD RESPECT FOR
13 HIM.

14 I DON'T REMEMBER THE LEAD UP TO IT.
15 IT'S BEEN TWO YEARS. I'M --

16 Q. DID YOU EVER --

17 MS. FOX: LET HER FINISH HER ANSWER.

18 THE WITNESS: I'M NOT SURE. I DON'T HAVE ANY
19 REASON TO DOUBT JHERTAUNE'S NOTES, BUT I DON'T HAVE A
20 SPECIFIC RECOLLECTION.

21 BY MR. BECKER:

22 Q. WELL, SHE UNDERSCORES "HE WAS SO
23 PERSISTENT."

24 DO YOU HAVE ANY REASON TO DOUBT THAT YOU
25 TOLD -- WELL, LET ME ASK YOU THIS: IS IT CORRECT TO

1 SAY THAT YOU TOLD JHERTAUNE HUNTLEY THAT DAVID WAS
2 VERY PERSISTENT, IN YOUR VIEW?

3 A. I FELT THAT HE WAS BEING PERSISTENT.

4 Q. OKAY. BUT DID YOU ALSO TELL HER THAT
5 YOU TOLD DAVID, "DAVID, YOU'RE BEING TOO PERSISTENT"?

6 A. I MIGHT HAVE, BUT I DON'T REMEMBER
7 SPECIFICALLY.

8 Q. AND YOU FELT THAT DAVID WAS BEING
9 PERSISTENT WHEN HE ASKED YOU WHETHER THERE WAS
10 ANYTHING HE COULD SAY TO CHANGE YOUR MIND; RIGHT?

11 MS. FOX: ASKED AND ANSWERED.

12 THE WITNESS: YES.

13 BY MR. BECKER:

14 Q. AND THAT'S THE ONLY BASIS UPON WHICH YOU
15 STATE THAT HE WAS PERSISTENT; IS THAT RIGHT?

16 MS. FOX: ASKED AND ANSWERED.

17 THE WITNESS: YES.

18 BY MR. BECKER:

19 Q. IT SOUNDS LIKE HE WAS BEING POLITE.

20 MS. FOX: OBJECTION. CHARACTERIZATION BY
21 COUNSEL.

22 BY MR. BECKER:

23 Q. HAVING A CONVERSATION WITH YOU. "ANY
24 WAY I CAN CHANGE YOUR MIND?"

25 MS. FOX: IS THAT A QUESTION?

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 Weisfelder
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

Heidi Sullivan

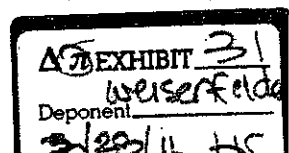
25

LICENSE NUMBER 6600

3.19.2009 Mtg w/ Margaret Weiserfelder re: David Coppedge issue.

- Margaret stated that she is an ordained minister (Christian) but would never let David Coppedge know. She has worked w/ David about 5 yrs but has know him for 7 to 8 yrs.
- Margaret stated that she has experienced 2 uncomfortable incidents w/ David. The first occurred the day before the Presidential election/ Prop 8 vote. David approached Margaret and asked if he could talk to her about Prop 8. Margaret stated that she was thinking while being asked this question by David, that she ^{probably should} ~~should~~ not talk about political issues during work hrs. David proceeded to tell Margaret his viewpoint on the Prop 8 and then asked for her opinion. Margaret stated to David that she did not agree w/ his viewpoint & did not want to discuss the issue w/ him because he was so persistent. Margaret said that David's approach was, "Can I talk to you about Prop 8?" then had a Prop 8 paper in his hand. The second incident occurred about 3 wks ago (before the 4 day holiday wkend) after lunch. David approached Margaret and asked her if she wanted to borrow a DVD called "Unpeaking the Mysteries of Life". She took it home and watched it and noticed a sticky on the back of the DVD w/ JPL's names on it. The sticky note had the words "Try Again" by some of the names. The only name she recognized was Patel. Margaret did not want to get into a discussion w/ David about the DVD so she waited until he was not

12/14/11



000000094

31
[Signature]

in his wrk space to place it on his chair. David did not approach her to discuss the DVD after she returned it. Margaret went to Greg Chin to discuss the DVD issue and told him that she was feeling uncomfortable about David approaching her re: watching the Intelligent Design DVD and talking about her stance on Prop 8. She further expressed to Greg that she does not want to deal w/ him re: these type of issues. Greg responded to Margaret, stating that he would look into it and to let him know if ^(David's) his behavior continues to be a problem for her. Since that time Margaret has had no other encounters w/ David.

Margaret further states that David is nice but she feels that he is stepping over the line by discussing religion & politics in the workplace. Margaret then reminds me that she is an ordained minister (Christian) and feels his behavior is inappropriate.

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

(213) 683-6301
cameronfox@paulhastings.com

April 22, 2011

13365.00018

VIA ELECTRONIC MAIL

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

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

Dear Bill:

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

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

12/14/11

EXC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE 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

**CERTIFIED
COPY**

DEPOSITION OF GREGORY EUGENE CHIN,
VOLUME I, PAGES 1 - 249
TAKEN ON THURSDAY, FEBRUARY 3, 2011

REPORTED BY:
HEIDI SULLIVAN
CSR NO. 6600
FILE NO.: 10-112

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

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

12/14/11

1 OBJECTION.

2 IF YOU FEEL COMFORTABLE, YOU CAN ANSWER
3 IT.

4 THE WITNESS: I SUPPORTED GAY MARRIAGE.

5 BY MR. BECKER:

6 Q. DID YOU TELL DAVID THAT?

7 A. NO, SIR.

8 Q. AND DID MARGARET SAY SHE SUPPORTED GAY
9 MARRIAGE?

10 A. YES, SIR.

11 Q. DID MARGARET TELL YOU HOW SHE FELT ABOUT
12 INTELLIGENT DESIGN AS A CONCEPT?

13 A. NO, SIR.

14 Q. AT THE TIME THAT SHE CAME TO YOU, WERE
15 YOU FAMILIAR WITH THE CONCEPT OF INTELLIGENT DESIGN?

16 A. YES, SIR.

17 Q. WHAT WAS YOUR FAMILIARITY BASED ON?

18 A. MY UNCLE AND DAVE COPPEDGE WERE FRIENDS.
19 THEY WENT TO THE SAME CHURCH. MY UNCLE HAD A STRONG
20 BELIEF IN INTELLIGENT DESIGN. MY UNCLE AND I GOT
21 ALONG GREAT, AND WE WERE FINE FRIENDS. HE HAS
22 SUBSEQUENTLY PASSED AWAY.

23 HE EXPLAINED INTELLIGENT DESIGN TO ME
24 THEN, BASICALLY IT DISCOUNTED POSSIBILITY OF RANDOM
25 CHANCE THAT HUMANS COULD EVOLVE AND THAT SOME HIGHER

12/12/11

1 A. I'M THE ONE THAT CREATED A HOSTILE WORK
2 ENVIRONMENT FOR DAVID. I NEEDED TO TELL THEM THAT
3 "IF DAVID FEELS THIS, I MUST HAVE SCREWED UP."

4 Q. DID DAVID TELL YOU DURING THAT MEETING
5 THAT HE FELT THAT YOU WERE INTERFERING WITH HIS
6 CONSTITUTIONAL RIGHT OF FREE SPEECH?

7 A. YES, SIR.

8 Q. WHAT DID YOU UNDERSTAND THAT TO MEAN?

9 A. I UNDERSTOOD THAT DAVID FELT THAT I WAS
10 ISSUING A TOTAL GAG ORDER ON HIM.

11 AND I SAID NO. THERE WAS AN APPROPRIATE
12 TIME AND PLACE FOR THESE TYPE OF DISCUSSIONS.

13 Q. DID YOU TELL HIM HE COULD NOT HAND OUT
14 HIS DVD'S ANY LONGER?

15 A. I TOLD HIM HE SHOULD NOT BE HANDING OUT
16 DVD'S DURING WORK HOURS.

17 Q. DID HE TELL YOU WHETHER HE WAS DOING IT
18 DURING WORK HOURS OR NOT?

19 A. I DID NOT ASK THAT. AFTER HOURS, DURING
20 BREAKS, LUNCH, NONWORK TIME PERIODS, THAT'S FINE.
21 JUST NOT DURING WORK HOURS.

22 I DID NOT WANT HIM TO BE DISRUPTING
23 OTHER INDIVIDUALS.

24 Q. WHAT TIME DID MARGARET TELL YOU SHE AND
25 DAVID TALKED? WHAT TIME OF DAY?

12/14/11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. NO, I WAS NOT.

Q. YOU WEREN'T AWARE OF THAT BACK IN MARCH OF 2009; IS THAT CORRECT?

A. I WAS NOT AWARE THAT DAVID WAS HANDING OUT AND SELLING DVD'S TO EMPLOYEES.

Q. WHEN WAS THE FIRST TIME YOU BECAME AWARE OF THAT FACT?

A. DURING DAVID'S DEPOSITION.

Q. YOU DID NOT LEARN THAT FACT FROM ANY OTHER SOURCE PRIOR TO THAT TIME?

A. THAT HE WAS SELLING DVD'S? NO.

Q. HOW ABOUT THAT HE WAS LOANING DVD'S?

A. I WAS AWARE THAT DAVID HAD GIVEN OUT DVD'S TO PEOPLE BEFORE.

Q. AND WHEN DID YOU FIRST COME INTO THAT KNOWLEDGE?

A. PROBABLY THE EARLY 2000'S. MANY YEARS.

Q. DID DAVID EVER ATTEMPT TO GIVE YOU A COPY OF THE PRIVILEGED PLANET?

A. I DON'T RECALL.

Q. ARE YOU FAMILIAR WITH THE PRIVILEGED PLANET?

A. NO, SIR.

Q. HAVE YOU READ THE BOOK BY GUILLERMO GONZALEZ AND JAY RICHARDS, THE PRIVILEGED PLANET, ON

12/14/11

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 GREGORY CHIN
9 WAS TAKEN BEFORE ME PURSUANT TO NOTICE
10 AT THE TIME AND PLACE THEREIN SET FORTH, AT WHICH
11 TIME 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.

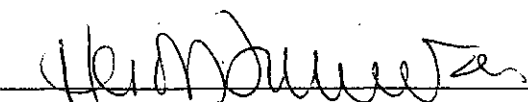
20

21 IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME THIS
22 1ST DAY OF MARCH, 2011.

23

24

25



LICENSE NUMBER 6600

12/14/11

EX.D

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

DAVID COPPEDGE, an Individual,)
)
 Plaintiff,)

CASE NO. BC 435600

vs.)

JET PROPULSION LABORATORY,)
 form unknown; CALIFORNIA)
 INSTITUTE OF TECHNOLOGY, form)
 unknown; GREGORY CHIN, an)
 Individual; CLARK A. BURGESS,)
 an Individual; KEVEIN KLENK,)
 an Individual; and DOES 1)
 through 25, inclusive,)
)
 Defendants.)

DEPOSITION OF DAVID COPPEDGE

SEPTEMBER 30, 2010

VOLUME 1

(Pages 1 through 256)

REPORTED BY:

Deborah R. Meyers
CSR No. 8569

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

11/11/11

EX.D

12:52
13:01
13:05
13:10
13:12
13:16
13:19
13:21
13:23
13:26
13:27
13:29
13:30
13:35
13:37
13:37
13:37
13:38
13:42
13:44
13:44
13:46
13:49
13:51
13:54

1 me and refusing to hear any response I gave. And he
2 at the end stormed out of the room, saying, "Well,
3 then go ahead and file a complaint."

4 And when I -- subsequent to that, when I
5 tried to reason with him by saying, you know, this
6 was kind of a tense meeting here, here's my
7 recollection of what was said, you know, just trying
8 to be impartial -- "Is this correct, or do you have
9 a different version?" -- he refused to answer.

10 Q BY MR. ZAPP: Okay. Is there any --

11 A And the next thing I know, I'm being
12 investigated as if I had done something wrong.

13 Q Is there -- so number one is you're talking
14 about what occurred during the meeting on March 2;
15 correct?

16 A Yes.

17 Q The second thing you're talking about is
18 the email that you sent him after the meeting, and I
19 believe that email is dated March 3; correct?

20 A Yes.

21 Q Is there anything else that Mr. Chin did
22 that you believed was wrongful -- strike that.
23 Any other wrongful conduct in which he
24 engaged, from your perception?

25 A Greg has been a great boss, and I've worked

14:13:56 1 with him for eight years. He's a great guy. He's
14:14:01 2 competent. He's knowledgeable. He does a lot of
14:14:04 3 good for us. And I was frankly shocked at this
14:14:06 4 outburst. We had had, you know, some heated
14:14:12 5 discussions a little bit over the years. But he was
14:14:15 6 aware way back, I think years ago, about these DVDs.
14:14:19 7 In fact, I shared one with him. And he disagreed
14:14:24 8 with it, but he didn't, you know, discipline me or
14:14:27 9 anything about it.

14:14:28 10 And then all of a sudden, you know, why did
14:14:31 11 this all erupt on March 2 in the way it did?

14:14:35 12 Q Did you believe that up until -- let's go
14:14:37 13 up until March 1, through March 1, 2009 -- strike
14:14:39 14 that.

14:14:40 15 So up until March 2, 2009, had Mr. Chin
14:14:43 16 always treated you fairly?

14:14:46 17 A He's a fair-minded person, but I always
14:14:49 18 felt a little bit of tension between us. And I
14:14:52 19 ~~think the only thing that makes sense is about my~~
14:14:54 20 beliefs about intelligent design and my religious
14:14:59 21 beliefs.

14:15:00 22 Q Did he ever tell you that there was any
14:15:01 23 tension between you because of that?

14:15:03 24 A ~~No, but you certainly get the impression~~
14:15:07 25 ~~acquaintance, I felt he was less friendly with me than~~
~~when many suggestions you give are kind of given the~~
~~with others, and tended to find fault with my ideas~~

1 REPORTER'S CERTIFICATION

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


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

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

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

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

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

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

12/14/11

EX.E

EXHIBIT E

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

5 DAVID COPPEDGE, AN INDIVIDUAL,)
6)
7) PLAINTIFF,)
8)
9 VS.) CASE NO.
10) BC 435600
11 JET PROPULSION LABORATORY, FORM)
12 UNKNOWN; CALIFORNIA INSTITUTE)
13 OF TECHNOLOGY, FORM UNKNOWN;)
14 GREGORY CHIN, AN INDIVIDUAL;)
15 CLARK A. BURGESS, AN INDIVIDUAL;)
16 KEVIN KLENK, AN INDIVIDUAL; AND)
17 DOES 1 THROUGH 25, INCLUSIVE,)
18)
19 DEFENDANTS.)
20)
21)
22)

**CERTIFIED
COPY**

23 DEPOSITION OF SCOTT EDGINGTON,

24 TAKEN ON TUESDAY, FEBRUARY 22, 2011
25

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

EX.E

1 Q. PRIOR TO THAT DISCUSSION, HOW WOULD YOU
2 HAVE CHARACTERIZED DAVID AND YOUR RELATIONSHIP?

3 A. PRIOR TO THAT DISCUSSION, I WOULD --
4 THOUGHT DAVE WAS A NICE GUY, YOU KNOW, CORDIAL, YOU
5 KNOW, CURIOUS ABOUT THE ONGOINGS OF THE PROJECT.

6 Q. PRIOR TO THAT DISCUSSION, DID YOU AND HE
7 EVER DISCUSS THE TOPIC OF INTELLIGENT DESIGN?

8 A. NO.

9 Q. DID YOU BORROW A DVD FROM HIM IN 2005?

10 MS. FOX: OBJECTION. VAGUE AS TO THE WORD
11 "BORROW."

12 BY MR. BECKER:

13 Q. DID HE LOAN YOU A DVD?

14 A. HE CAME TO MY OFFICE, AND HE GAVE ME A
15 DVD AND THOUGHT I WOULD BE INTERESTED IN WATCHING IT.
16 HE THEN LEFT.

17 Q. DID YOU WATCH IT?

18 A. NO, I DID NOT.

19 Q. DO YOU KNOW WHAT THE DVD WAS?

20 A. I READ THE BACK OF IT, AND I DETERMINED
21 THAT THE MATERIAL WAS SOMETHING I WAS NOT INTERESTED
22 IN.

23 Q. WHAT WAS THE MATERIAL THAT YOU WEREN'T
24 INTERESTED IN?

25 A. THE INTERPRETATION OF CERTAIN DATA.

12/14/11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. DO YOU KNOW THE NAME OF THAT DVD?

A. NO, I DO NOT ACTUALLY.

Q. DOES THE PRIVILEGED PLANET SOUND FAMILIAR?

A. YES. THAT DOES SOUND FAMILIAR, YES.

Q. DID HE TELL YOU ANYTHING ABOUT THAT MOVIE?

A. NO, HE DID NOT.

Q. DID HE TELL YOU THAT JPL SCIENTISTS WERE FEATURED IN THE MOVIE?

A. NO, HE DID NOT.

Q. WERE YOU AWARE THAT JPL SCIENTISTS WERE FEATURED IN THE MOVIE?

A. NO.

Q. WHEN YOU DETERMINED THAT THE SUBJECT MATTER WAS SOMETHING THAT YOU WERE NOT INTERESTED IN, DID YOU GIVE THE DVD BACK TO HIM?

A. I DON'T BELIEVE SO. I DON'T RECALL.

Q. WHY NOT?

A. IT JUST GOT BURIED ON MY DESK. I FORGOT ABOUT IT, YOU KNOW.

Q. GENERALLY SPEAKING, WHEN SOMEBODY GIVES YOU A GIFT, DO YOU ACCEPT IT OR RETURN IT?

MS. FOX: OBJECTION.

THE WITNESS: I WAS --

12/14/11

1 CONVERSATION YOU HAD WITH DAVID CONCERNING PROP 8?

2 A. HE WAS MAKING A PITCH FOR PROP 8, YES.

3 Q. NOW, I DON'T UNDERSTAND.

4 YOU SAID YOU WERE LEANING TOWARDS VOTING
5 AGAINST PROP 8, BUT YOU HADN'T MADE YOUR MIND UP.

6 WERE YOU OFFENDED BY THE FACT THAT DAVID
7 WAS EVEN ENGAGING YOU IN A DISCUSSION ABOUT PROP 8?

8 A. I WAS NOT OFFENDED BY THAT. I WAS
9 OFFENDED BY HIM PUSHING HIS VIEW OF PROP 8 AND HIS
10 STATEMENT THAT I MUST BE AGAINST KIDS.

11 Q. ON THAT PARTICULAR DAY, WERE YOU KEEPING
12 AN OPEN MIND ABOUT YOUR DECISION ON HOW TO VOTE?

13 MS. FOX: OBJECTION. VAGUE.

14 THE WITNESS: YES, I WAS. I DID NOT KNOW HOW
15 I WAS GOING TO VOTE UNTIL THE DAY OF.

16 BY MR. BECKER:

17 Q. SO WHAT YOU CALL PROPAGANDA, WEREN'T YOU
18 INTERESTED IN HEARING FROM DAVID WHAT VIEWS HE HAD
19 REGARDING PROPOSITION 8 SO THAT IT MIGHT ASSIST YOUR
20 DECISION?

21 A. I HAD HEARD ENOUGH OF THE PROPAGANDA
22 THROUGH VARIOUS OUTLETS AND HAD ALREADY DECIDED THAT
23 THAT IS NOT THE -- WHAT THE PROPAGANDA WAS ESPOUSING
24 WAS NOT THE ISSUE AT HAND, THAT IT DID NOT HAVE
25 ANYTHING TO DO WITH THE PROPOSITION.

12/14/21

1 BY MR. BECKER:

2 Q. DURING THE CONVERSATION, DOCTOR, DID YOU
3 TELL DAVID THAT YOUR FATHER WAS ABUSIVE TO YOU?

4 A. I DID NOT.

5 Q. DID YOU TELL HIM THAT YOU HAD AN UNHAPPY
6 CHILDHOOD?

7 A. I DID NOT.

8 Q. DID YOU TELL HIM THAT YOUR FATHER WAS AN
9 ALCOHOLIC?

10 A. I DID NOT.

11 Q. IN THE EXHIBIT IN FRONT OF YOU, IT STATES
12 SOMEWHERE TOWARDS THE BOTTOM OF THE -- WELL, I'M GOING
13 TO SAY PROBABLY ABOUT 15 LINES UP FROM THE BOTTOM -- I
14 LOST IT. OH.

15 IT SAYS, "PER SCOTT, DAVID AT ONE POINT
16 STATED 'HE MUST BE AGAINST HAVING CHILDREN.'"

17 DO YOU SEE THAT?

18 A. YES, I SEE IT.

19 Q. I'M CONCERNED WITH THE EXACTITUDE OF THE
20 LANGUAGE HERE AND YOUR TESTIMONY.

21 DID YOU TELL JHERTAUNE THOSE SPECIFIC
22 WORDS, "AGAINST HAVING CHILDREN"?

23 A. NO, I DID NOT.

24 Q. DID YOU TELL HER THAT DAVID SAID, "YOU
25 MUST NOT LIKE KIDS"?

12/14/11

1 A. I THINK I WOULD HAVE USED -- I THINK WHAT
2 I HEARD WAS "YOU MUST BE AGAINST CHILDREN," NOT THE
3 "HAVING."

4 Q. OH, OKAY. "YOU MUST BE AGAINST
5 CHILDREN"?

6 A. YES.

7 Q. DID YOU HAVE TO TELL DAVID TO LEAVE MORE
8 THAN THOSE TWO TIMES?

9 A. NO.

10 Q. ABOUT HOW LONG DID THE CONVERSATION
11 TAKE -- THE CONVERSATION STRICTLY ON PROP 8?

12 A. THE WHOLE THING PROBABLY LASTED, I'D SAY,
13 LIKE FIVE MINUTES. I MEAN, IT WASN'T THAT LONG. YOU
14 KNOW, TEN AT MOST. FIVE TO TEN MINUTES, I'D SAY.

15 Q. AND THEN DO YOU RECALL HOW SOON AFTER
16 THAT CARMEN APPROACHED YOU?

17 A. AFTER DAVE HAD LEFT AND WAS DEFINITELY
18 FLUSTERED THAT I WASN'T AGREEING WITH HIM, I SAT THERE
19 FOR A BRIEF PERIOD. I DON'T KNOW HOW MUCH TIME WENT
20 BY.

21 BUT I WAS WONDERING SHOULD I REPORT IT?
22 TO WHOM?

23 CARMEN CAME FAIRLY SOON AFTER, MAYBE
24 30 SECONDS TO A MINUTE MAYBE, AND ASKED IF I WAS OKAY.

25 Q. DID CARMEN MENTION TO YOU IN THAT

12/14/11

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

12/15/11

EX.F

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DAVID COPPEDGE, AN INDIVIDUAL,)
)
PLAINTIFF,)
)
VS.) CASE NO.
) BC 435600
JET PROPULSION LABORATORY, FORM)
UNKNOWN; CALIFORNIA INSTITUTE)
OF TECHNOLOGY, FORM UNKNOWN;)
GREGORY CHIN, AN INDIVIDUAL;)
CLARK A. BURGESS, AN INDIVIDUAL;)
KEVIN KLENK, AN INDIVIDUAL; AND)
DOES 1 THROUGH 25, INCLUSIVE,)
)
DEFENDANTS.)
)

**CERTIFIED
COPY**

DEPOSITION OF CARMEN VETTER,

TAKEN ON TUESDAY, FEBRUARY 22, 2011

REPORTED BY:
HEIDI SULLIVAN
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

EX.F

12/14/11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. I PICKED --

Q. -- THAT'S THE ONE; RIGHT?

A. TO THE BEST OF MY KNOWLEDGE, YES.

Q. NOW, DAVID GAVE YOU A DVD ABOUT WHEN?
THREE YEARS AGO? FOUR YEARS AGO? TWO YEARS AGO?

A. I THINK IT WAS '05 POSSIBLY.

(WHEREUPON A PHONE RINGS.)

MS. FOX: CAN WE GO OFF THE RECORD FOR ONE
SECOND?

MR. BECKER: YES.

(DISCUSSION HELD OFF THE RECORD.)

BY MR. BECKER:

Q. IN 2005?

A. I BELIEVE SO.

Q. ALL RIGHT. WAS THAT THE PRIVILEGED
PLANET?

A. I DON'T RECALL. THERE WERE TWO DVD'S.
I DON'T RECALL WHICH WAS WHICH.

Q. DID HE GIVE THEM BOTH TO YOU AT THE SAME
TIME?

A. NO.

Q. DO YOU RECALL WHICH ONE HE GAVE YOU
FIRST?

A. I DO NOT RECALL.

Q. BUT YOU DO RECALL THAT ONE OF THEM WAS

11/11/01

1 THE PRIVILEGED PLANET; RIGHT?

2 A. I DO RECALL THAT.

3 Q. DID HE LOAN IT TO YOU?

4 A. NO.

5 Q. DID YOU VIEW EITHER OF THE DVD'S ON
6 LOAN?

7 MS. FOX: OBJECTION. MISSTATES THE
8 TESTIMONY.

9 BY MR. BECKER:

10 Q. IN OTHER WORDS, DID HE ORIGINALLY LOAN
11 THEM AND THEN MAYBE SELL THEM TO YOU?

12 A. I DON'T RECALL.

13 MS. FOX: AND IT CALLS FOR SPECULATION.

14 BY MR. BECKER:

15 Q. YOU DON'T RECALL?

16 A. (NO AUDIBLE RESPONSE.)

17 Q. DO YOU RECALL PURCHASING THEM?

18 A. I RECALL PURCHASING ONE OF THEM.

19 Q. AND THAT WAS PRIVILEGED PLANET?

20 A. I BELIEVE THAT WAS IT.

21 Q. DID YOU VIEW -- WELL, WHY DID YOU
22 PURCHASE IT?

23 A. CURIOSITY.

24 Q. DO YOU RECALL WHAT HE TOLD YOU ABOUT IT?

25 A. I DON'T RECALL.

12/14/11

1 Q. DID YOU KNOW ANYTHING ABOUT THE CONCEPT
2 OF INTELLIGENT DESIGN AT THE TIME YOU --

3 A. NO.

4 Q. -- PURCHASED IT?

5 A. NO.

6 MS. FOX: I'LL REMIND THE WITNESS TO LET THE
7 QUESTION BE FINISHED BEFORE SHE BEGINS HER ANSWER.

8 THE WITNESS: I APOLOGIZE.

9 BY MR. BECKER:

10 Q. I'M PACING QUICKLY SO WE CAN GET DONE IN
11 TIME FOR THE OTHER DEPOSITION.

12 MS. FOX: I'M TRYING TO HELP OUR REPORTER.

13 MR. BECKER: I UNDERSTAND.

14 Q. THE PRIVILEGED PLANET DVD, DID YOU WATCH
15 IT?

16 A. YES.

17 Q. DID YOU HAVE AN IMPRESSION OF IT AFTER
18 WATCHING IT?

19 A. I DON'T RECALL.

20 Q. DO YOU RECALL WHAT IT WAS ABOUT?

21 A. I DON'T RECALL.

22 Q. DO YOU RECALL LIKING IT OR NOT LIKING
23 IT?

24 A. I DON'T RECALL.

25 Q. DO YOU RECALL BEING OFFENDED BY IT?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. I DO NOT -- NO, I WAS NOT OFFENDED.

Q. DO YOU RECALL ANYTHING IN IT THAT
DISCUSSED RELIGION?

A. I DON'T RECALL.

Q. HOW ABOUT THE OTHER ONE, WHICH YOU SAID
MIGHT HAVE BEEN UNLOCKING THE MYSTERY OF LIFE -- DO
YOU RECALL WATCHING THAT MOVIE?

A. YES.

Q. DO YOU RECALL WHAT THAT WAS ABOUT?

A. I DON'T -- I CAN'T REMEMBER WHICH ONE
WAS WHICH. ONE TALKED ABOUT DESIGN. I DON'T RECALL
WHICH WAS WHICH.

Q. WELL, LET ME HELP YOU OUT. PRIVILEGED
PLANET WAS A COSMOLOGICAL OVERVIEW OF THE CREATION OF
THE UNIVERSE AND THE FINE-TUNING ASPECTS OF THE
UNIVERSE THAT RESULT IN LIFE ON THIS ONE SINGLE
PLANET IN THE VAST UNIVERSE --

A. OKAY.

Q. -- THE PRIVILEGED PLANET.

DO YOU REMEMBER THAT?

A. I DO NOW.

MS. FOX: I'M GOING TO OBJECT TO THE
CHARACTERIZATION OF THE DVD'S.

TO THE EXTENT THE WITNESS REMEMBERS
THEIR CONTENT, SHE CAN TESTIFY TO IT, BUT SHE MAY NOT

11/14/21

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 CARMEN VETTER

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

PROOF OF SERVICE

1
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: 515 So. Flower Street, 25th Floor, Los Angeles, CA 90071.

7 On December 14, 2011, I served the foregoing document(s) described as:

8 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 1 TO**
9 **PERMIT THE SHOWING OF TWO INTELLIGENT DESIGN DVDS TO THE JURY**

10 on the interested parties as follows:

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

13 Email: bbeckerlaw@gmail.com

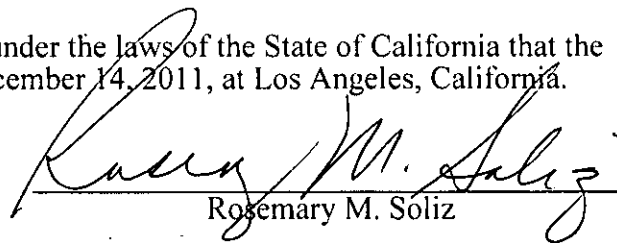
14
15 **VIA ELECTRONIC MAIL:**

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

17 **VIA U.S. MAIL:**

18 By placing a true and correct copy thereof in a sealed envelope(s) as addressed
19 above. I am readily familiar with the firm's practice of collection and processing of
20 correspondence for mailing. Under that practice such sealed envelope(s) would be
deposited with the U.S. postal service on December 14, 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 that the
22 above is true and correct and was executed on December 14, 2011, at Los Angeles, California.

23 
24 _____
Rosemary M. Soliz

12/14/11