

254

FILED
LOS ANGELES SUPERIOR COURT

APR 10 2012

JOHN A. CLARKE, CLERK
BY RAUL SANCHEZ, DEPUTY

1 PAUL HASTINGS LLP
2 JAMES A. ZAPP (SB# 94584)
3 jameszapp@paulhastings.com
4 CAMERON W. FOX (SB# 218116)
5 cameronfox@paulhastings.com
6 MELINDA A. GORDON (SB# 254203)
7 melindagordon@paulhastings.com
8 515 South Flower Street
9 Twenty-Fifth Floor
10 Los Angeles, CA 90071-2228
11 Telephone: (213) 683-6000
12 Facsimile: (213) 627-0705

13 Attorneys for Defendant
14 CALIFORNIA INSTITUTE OF TECHNOLOGY

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF LOS ANGELES

17 DAVID COPPEDGE, an Individual,

18 Plaintiff,

19 vs.

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

27 Defendants.

CASE NO. BC 435600

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION *IN LIMINE* NO. 7
TO EXCLUDE AND STRIKE ALL
REFERENCE TO EMPLOYEE
PERFORMANCE RANKING SYSTEMS,
FOR EVIDENTIARY SANCTIONS, OR,
ALTERNATIVELY, FOR A NEW TRIAL**

Place: Department 54
Judge: Hon. Ernest M. Hiroshige

28 ORIGINAL

427
2012

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Coppedge's Motion *in Limine* No. 7 is nothing more than a feeble attempt to utilize an
4 unobjectionable portion of trial testimony as grounds to obtain the new trial that Coppedge
5 already believes he will need. The testimony in question – former Section Manager Kevin
6 Klenk's description of departmental rankings used for compensation purposes, explanation that
7 Coppedge ranked in the lower half, and reference to written documentation of these rankings –
8 was never called for by any of Coppedge's discovery requests or deposition questions.

9 Coppedge contends that the documentation was responsive to his Request for Production
10 No. 47, which sought "All DOCUMENTS and WRITINGS RELATING TO YOUR Twelfth
11 Affirmative defense." But Coppedge is wrong. Caltech's Twelfth Affirmative defense states:

12 The Complaint, and each of its causes of action, is barred because
13 Defendants did not engage in the alleged discrimination,
14 harassment or retaliation set forth in the Complaint, but even
15 assuming for the sake of argument that they did, Defendants would
16 have taken the same employment actions in any event for
17 legitimate, non-discriminatory, non-retaliatory, non-pretextual
18 reasons.

19 Caltech objected and responded to Request No. 47, as follows:

20 Defendant objects to this Request on the grounds that it is vague,
21 ambiguous, and overbroad to the extent it seeks documents to
22 support a legal contention. Defendant further objects to this
23 Request to the extent that it seeks information protected by the
24 attorney-client privilege and/or attorney work product doctrine.

25 Subject to and without in any way waiving the foregoing
26 objections, and to the extent it understands this Request, Defendant
27 responds that documents produced in response to Request Nos. 1, 3,
28 6, 11 and 12 are responsive to this Request.

Declaration of Cameron W. Fox ¶ 3, Ex. A.

29 First, nothing about Request No. 47 suggests that it would call for production of any
30 specific document, much less the compensation rankings in particular; indeed, the Request is
31 vague, ambiguous, and overbroad, as Caltech points out in its objections to this Request. Second,
32 Caltech specifically referenced in its response the documents that Caltech believed were
33 responsive to the Request and that it therefore produced in response. Finally, the compensation

1 rankings were not among those responsive documents; while the compensation rankings
2 *corroborate* the layoff rankings, they were not considered in the layoff ranking process and thus
3 do not constitute evidence that Caltech took the actions it did (i.e. laying off Coppedge) for
4 legitimate, non-discriminatory reasons.

5 In short, the evidence in question was neither requested – nor withheld – in discovery, it
6 does not constitute surprise evidence at trial, and there is no basis for evidentiary sanctions, much
7 less a new trial.

8 **II. ARGUMENT**

9 Caltech did not conceal the compensation ranking at issue in discovery, and therefore did
10 not introduce surprise evidence at trial. Coppedge erroneously attempts to rely on inapposite case
11 law to justify his request for evidentiary sanctions and a new trial. For example, Coppedge cites
12 *Los Angeles Airways, Inc. v. Hughes Tool Co.*, 96 Cal. App. 3d 1, 6 (1979) for the proposition
13 that “Newly discovered evidence, deliberately concealed . . .” can be grounds for a new trial. But
14 the evidence in question here was not deliberately concealed, because it was never requested.
15 Coppedge’s Request No. 47 is vague, ambiguous, and overbroad; by no means does it call for
16 production of any specific document, much less a ranking that did not factor into either
17 Coppedge’s ECAP or the layoff rankings. Coppedge’s contention that the Request “plainly
18 encompasses” the compensation rankings (Mot. at 5) lacks foundation and is baseless; Coppedge
19 is in no position to opine on what evidence supports Caltech’s showing that it would have taken
20 the same actions for non-discriminatory and non-retaliatory reasons. Meanwhile, Caltech’s
21 Response to Request No. 47 specifically identifies those documents being produced that were
22 also responsive to Request No. 47 (namely, documents produced in response to Request Nos. 1
23 (personnel file), 3 (employment manuals), 6 (documents relating to complaints concerning
24 Coppedge), 11 (Huntley’s investigation file) and 12 (Saidiner’s investigation file)). None of these
25 Requests called for production of the compensation rankings, either.

26 Second, setting aside the fact that Coppedge never requested the compensation rankings,
27 he suffered no prejudice from the fact that Caltech did not provide them in the discovery process,
28 because they are not evidence on which Caltech contends it based any of the decisions in the case.

1 Rather, the compensation rankings simply are in accord with evidence that Caltech was requested
2 to (and did) produce in discovery, such as Coppedge's ECAPs and the layoff ranking sheets – not
3 to mention the trial testimony of multiple witnesses as to Coppedge's sub-par performance, and a
4 trial exhibit showing that Coppedge earned only a minimal pay increase in 2010.¹ Fox Decl. ¶ 4,
5 Ex. B. In light of this, Coppedge has no basis whatsoever for suggesting he was prejudiced, or
6 that he was somehow "prevented" from identifying additional witnesses or developing different
7 cross-examination strategies. Mot. at 4.


8 Finally, because Caltech did nothing wrong, there is no basis for either evidentiary
9 sanctions or a new trial. Coppedge cites additional case law to support exclusion of evidence
10 withheld from discovery (*see, e.g., Pate v. Channel Lumber Co.*, 51 Cal. App. 4th 1447 (1997))
11 but it is to no avail; Caltech did not withhold anything, so there is nothing to exclude on this
12 basis.

13 **III. CONCLUSION**

14 For the foregoing reasons, Caltech respectfully requests that the Court deny Coppedge's
15 Motion *in Limine* to exclude and strike all reference to employee performance ranking systems,
16 for evidentiary sanctions, or, alternatively, for a new trial.

19 DATED: April 10, 2012

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

21 By: 
CAMERON W. FOX

Attorneys for Defendant
CALIFORNIA INSTITUTE OF TECHNOLOGY

4/27
28

¹ Coppedge received a 1.09% salary increase at the end of September 2010, but has never alleged that the amount of this pay increase was discriminatory or retaliatory.
LEGAL_US_W # 71125062.2

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

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. 7 To Exclude And Strike All Reference To Employee Performance Ranking Systems For Evidentiary Sanctions, Or, Alternatively, For A New Trial ("Motion")

3. Attached hereto as **Exhibit A** is a true and correct copy of Caltech's Objections and Responses to Coppedge's September 17, 2012 Request for Production of Documents.

4. Attached hereto as **Exhibit B** is a true and correct copy of Trial Exhibit 174, Employee Progression History Report dated January 18, 2011.

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

Executed this 10th day of April, 2012, at Los Angeles, California.



CAMERON W. FOX

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

PROOF OF SERVICE

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 April 10, 2012, I served the foregoing document(s) described as:

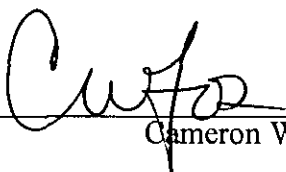
DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 7 TO EXCLUDE AND STRIKE ALL REFERENCE TO EMPLOYEE PERFORMANCE RANKING SYSTEMS, FOR EVIDENTIARY SANCTIONS, OR, ALTERNATIVELY, FOR A NEW TRIAL

on the interested parties as follows:

William J. Becker, Jr., Esq. Attorney for Plaintiff
THE BECKER LAW FIRM DAVID COPPEDGE
Dept. 54
111 N. Hill Street
Los Angeles, California 90012

VIA PERSONAL DELIVERY:

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


Cameron W. Fox

4/10/12

EXA

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

5 Attorneys for Defendants
6 CALIFORNIA INSTITUTE OF TECHNOLOGY,
GREGORY CHIN, CLARK A. BURGESS, KEVIN
7 KLENK

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

10
11 DAVID COPPEDGE,

12
13 Plaintiff,

14 vs.

15 JET PROPULSION LABORATORY;
16 CALIFORNIA INSTITUTE OF
TECHNOLOGY, et al.,

17 Defendant.
18

CASE NO. BC 435600

**DEFENDANT CALIFORNIA INSTITUTE
OF TECHNOLOGY'S OBJECTIONS AND
RESPONSES TO PLAINTIFF'S DEMAND
FOR INSPECTION AND COPYING OF
DOCUMENTS, TANGIBLE THINGS AND
ELECTRONICALLY STORED
INFORMATION (SET ONE)**

19 PROPOUNDING PARTY: PLAINTIFF DAVID COPPEDGE

20 RESPONDING PARTY: DEFENDANT CALIFORNIA INSTITUTE OF
21 TECHNOLOGY

22 SET NO.: ONE
23
24
25
26
27

28 LEGAL_US_W # 65809007.1

DEFENDANT CALTECH'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S DOCUMENT DEMAND

EXA

1 TO PLAINTIFF DAVID COPPEDGE, AND TO HIS ATTORNEY OF RECORD, WILLIAM J.
2 BECKER, JR., ESQ., THE BECKER LAW FIRM:

3
4 Defendant CALIFORNIA INSTITUTE OF TECHNOLOGY ("Defendant")
5 hereby answers, objects, and otherwise responds to Plaintiff's First Demand for Inspection and
6 Copying of Documents, Tangible Things and Electronically Stored Information as follows:

7
8 **DEFENDANT'S PRELIMINARY STATEMENT**

9
10 1. Defendant has not completed its investigation relating to this action, has
11 not completed discovery in this action, and has not completed preparation for trial. As discovery
12 proceeds, facts, information, evidence, documents and things may be discovered that are not set
13 forth in these responses, but which may have been responsive to Plaintiff's Request. The
14 following responses are based on Defendant's knowledge, information and belief at this time and
15 are complete as to Defendant's best knowledge at this time. Defendant assumes no obligation to
16 voluntarily supplement or amend these responses to reflect information, evidence, documents or
17 things discovered following service of these responses. Furthermore, these responses were
18 prepared based on Defendant's good faith interpretation and understanding of the individual
19 Requests and are subject to correction for inadvertent errors or omissions, if any. These
20 responses are given without prejudice to subsequent revision or supplementation based upon any
21 information, evidence and documentation that hereinafter may be discovered. Defendant reserves
22 the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of
23 trial, any and all facts, evidence, documents and things developed during the course of discovery
24 and trial preparation, notwithstanding the reference to facts, evidence, documents and things in
25 these responses.

26
27 2. To the extent that any Request seeks documents that are also sought by or
28 identified pursuant to any other Request, Defendant declines to produce or identify multiple

1 copies of such documents, and states that each document produced or identified pursuant to any
2 Request is also produced pursuant to every other Request to which it is or may be responsive.

3

4 3. To the extent that any Request seeks documents that have already been
5 produced, or which have been identified as exhibits to any depositions in this action, Defendant
6 declines to produce or identify such documents.

7

8 4. To the extent that any Request seeks documents that are protected by the
9 attorney-client privilege and/or attorney work product doctrine, or any other applicable privilege
10 or immunity, Defendant declines to produce such documents, which would include and would not
11 be limited to:

12

13 (a) All documents that constitute or record correspondence or other
14 communications between counsel for Defendant or its agents or employees and Defendant or its
15 agents or employees regarding this action;

16

17 (b) All documents prepared for use in this litigation including notes,
18 memoranda, draft pleadings and correspondence prepared by, at the direction of, or for review by
19 counsel for Defendant; and

20

21 (c) All documents that constitute or record correspondence or other
22 communications between Defendant and counsel for Defendant regarding this action.

23

24

25

26

27

28

DEFENDANT'S GENERAL OBJECTIONS TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS

1
2
3
4 1. Defendant objects to Plaintiff's definition of the terms "YOU" and
5 "YOUR" as vague, ambiguous, overbroad, and not reasonably tailored to lead to the discovery of
6 admissible evidence.

7
8 2. Defendant objects to Plaintiff's Requests to the extent they seek documents
9 created or relating to events prior to the date on which Defendant hired Plaintiff.

10
11 3. Defendant objects to Plaintiff's Request in its entirety to the extent that it
12 seeks documents that are not relevant to the subject matter of this litigation and are not reasonably
13 calculated to lead to the discovery of admissible evidence.

14
15 4. Defendant objects to Plaintiff's Request in its entirety to the extent that it
16 calls for the production of documents that are protected from disclosure by the attorney-client
17 privilege and/or work product doctrine, and/or any other applicable privilege or immunity.

18
19 5. Defendant objects to Plaintiff's Request in its entirety to the extent that it is
20 overly broad and requires Defendant to make an unreasonable and unduly burdensome
21 investigation.

22
23 6. Defendant objects to Plaintiff's Request in its entirety to the extent that it
24 seeks documents, the disclosure of which would constitute an unwarranted invasion of the
25 affected persons' constitutional, statutory and/or common-law rights of privacy and
26 confidentiality.

1 7. Defendant objects to this Request in its entirety to the extent that it seeks
2 private, privileged, or confidential commercial, financial, and/or proprietary business information.

3
4 All General Objections are incorporated by reference into each Response as
5 though set forth in full therein.

6
7 **DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S**
8 **REQUEST FOR PRODUCTION OF DOCUMENTS**

9
10 **DOCUMENT REQUEST NO. 1:**

11 All DOCUMENTS and WRITINGS contained in PLAINTIFF's personnel file.

12 **OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 1:**

13 Subject to and without in any way waiving its general objections, and to the extent
14 it understands this Request, Defendant hereby produces Plaintiff's Section file, which is Bates-
15 stamped D000000001-59.

16
17 **DOCUMENT REQUEST NO. 2:**

18 All DOCUMENTS and WRITINGS that YOU provided to PLAINTIFF
19 RELATING TO the following matters: status of employment, rights, duties, compensation, and
20 benefits.

21 **OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 2:**

22 Defendant objects to this Request on the grounds that it is vague and ambiguous as
23 to "status of employment," "rights," and "duties." Defendant further objects to this Request on
24 the grounds that it is overly broad as to time and scope.

25 Subject to and without in any way waiving the foregoing objections, and to the
26 extent it understands this Request, Defendant responds that it is hereby producing Plaintiff's
27 Section file in response to Request No. 1.

1 DOCUMENT REQUEST NO. 3:

2 All employment manuals, and all updates, that YOU provided to PLAINTIFF
3 since 2008.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 3:

5 Defendant objects to this Request on the grounds that it is vague and ambiguous as
6 to "employment manuals" and "updates." Defendant further objects to this Request on the
7 grounds that it is overly broad as to time and scope. Defendant further objects to this Request on
8 the grounds that it is unduly burdensome and oppressive. Defendant further objects to this
9 Request on the grounds that it seeks information that is not relevant to the subject matter of this
10 litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

11 Subject to and without in any way waiving the foregoing objections, and to the
12 extent it understands this Request, Defendant hereby produces its Discipline Policy, Unlawful
13 Harassment Policy, Nondiscrimination and Equal Employment Opportunity Policy, and Ethics
14 and Business Conduct Policy, Problem Resolution Policy, as well as its Ethics Handbook.

15
16 DOCUMENT REQUEST NO. 4:

17 All DOCUMENTS and WRITINGS RELATING TO YOUR practices and
18 policies for hiring and/or firing of employees since 2008.

19 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 4:

20 Defendant objects to this Request on the grounds that it is vague and ambiguous as
21 to "practices and policies for hiring and/or firing." Defendant further objects to this Request on
22 the grounds that it is overly broad as to time and scope. Defendant further objects to this Request
23 on the grounds that it is unduly burdensome and oppressive. Defendant further objects to this
24 Request on the grounds that it seeks information that is not relevant to the subject matter of this
25 litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

26 Based upon the foregoing objections, and to the extent it understands this Request,
27 Defendant not will produce documents in response to this Request.

1 DOCUMENT REQUEST NO. 5:

2 All DOCUMENTS and WRITINGS RELATING TO YOUR practices and
3 policies for handling disciplinary matters with employees since 2008.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 5:

5 Defendant objects to this Request on the grounds that it is vague and ambiguous as
6 to "practices and policies for handling disciplinary matters with employees." Defendant further
7 objects to this Request on the grounds that it is overly broad as to time and scope. Defendant
8 further objects to this Request on the grounds that it is unduly burdensome and oppressive.

9 Subject to and without in any way waiving the foregoing objections, and to the
10 extent it understands this Request, Defendant responds that it is already producing its Discipline
11 Policy in response to Request No. 3.

12
13 DOCUMENT REQUEST NO. 6:

14 All DOCUMENTS and WRITINGS RELATING TO any formal or informal
15 complaints, civil or administrative complaints, inquiries, and/or comments from any of YOUR
16 employees, or third party, concerning PLAINTIFF.

17 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 6:

18 Defendant objects to this Request on the grounds that it is vague and ambiguous as
19 to "civil or administrative complaints," "inquiries," and "comments." Defendant further objects
20 to this Request on the grounds that it is overly broad as to time and scope. Defendant further
21 objects to this Request on the grounds that it is unduly burdensome and oppressive.

22 Subject to and without in any way waiving the foregoing objections, and to the
23 extent it understands this Request, Defendant responds that documents produced in responsive to
24 Request Nos. 11 and 12 are responsive to this Request. Defendant further responds that Plaintiff's
25 notebooks, which Plaintiff produced to Defendant in the course of this litigation, are also
26 responsive to this Request. In addition, Defendant hereby produces documents Bates-stamped
27 D000000213-219, which are email communications regarding Plaintiff's work performance
28 (including his communications and interactions with customers).

1 DOCUMENT REQUEST NO. 7:

2 All DOCUMENTS and WRITINGS RELATING TO any formal or informal
3 complaints, civil or administrative complaints, inquiries, and/or comments from any of YOUR
4 employees, or third party, concerning PLAINTIFF's interest in intelligent design.

5 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 7:

6 Defendant objects to this Request on the grounds that it is vague and ambiguous as
7 to "civil or administrative complaints," "inquiries," "comments," and "PLAINTIFF's interest in
8 intelligent design." Defendant further objects to this Request on the grounds that it is overly
9 broad as to time and scope. Defendant further objects to this Request on the grounds that it is
10 unduly burdensome and oppressive.

11 Subject to and without in any way waiving the foregoing objections, and to the
12 extent it understands this Request, Defendant responds that documents produced in response to
13 Request No. 6 are responsive to this Request.

14
15 DOCUMENT REQUEST NO. 8:

16 All DOCUMENTS and WRITINGS RELATING TO any formal or informal
17 complaints, civil or administrative complaints, inquiries, and/or comments from any of YOUR
18 employees, or third party, concerning PLAINTIFF's interest in religion.

19 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 8:

20 Defendant objects to this Request on the grounds that it is vague and ambiguous as
21 to "civil or administrative complaints," "inquiries," "comments," and "PLAINTIFF's interest in
22 religion." Defendant further objects to this Request on the grounds that it is overly broad as to
23 time and scope. Defendant further objects to this Request on the grounds that it is unduly
24 burdensome and oppressive.

25 Subject to and without in any way waiving the foregoing objections, and to the
26 extent it understands this Request, Defendant responds that documents produced in response to
27 Request No. 6 are responsive to this Request.

28

1 DOCUMENT REQUEST NO. 9:

2 All DOCUMENTS and WRITINGS RELATING TO any formal or informal
3 complaints, civil or administrative complaints, inquiries, and/or comments from any of YOUR
4 employees, or third party, concerning PLAINTIFF's interest in political issues.

5 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 9:

6 Defendant objects to this Request on the grounds that it is vague and ambiguous as
7 to "civil or administrative complaints," "inquiries," "comments," and "PLAINTIFF's interest in
8 political issues." Defendant further objects to this Request on the grounds that it is overly broad
9 as to time and scope. Defendant further objects to this Request on the grounds that it is unduly
10 burdensome and oppressive.

11 Subject to and without in any way waiving the foregoing objections, and to the
12 extent it understands this Request, Defendant responds that documents produced in response to
13 Request No. 6 are responsive to this Request.

14
15 DOCUMENT REQUEST NO. 10:

16 All DOCUMENTS and WRITINGS RELATING TO any formal or informal
17 complaints, civil or administrative complaints, inquiries, and/or comments from any of YOUR
18 employees, or third party, concerning Darwin's theory of evolution.

19 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 10:

20 Defendant objects to this Request on the grounds that it is vague and ambiguous as
21 to "civil or administrative complaints," "inquiries," and "comments." Defendant further objects
22 to this Request on the grounds that it is overly broad as to time and scope, particularly given that
23 the Request does not relate in any way to Plaintiff. Defendant further objects to this Request on
24 the grounds that it is unduly burdensome and oppressive. Defendant further objects to this
25 Request on the grounds that it seeks information that is not relevant to the subject matter of this
26 litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

27 Based upon the foregoing objections, and to the extent it understands this Request,
28 Defendant responds that it will not produce documents in response to this Request.

1 DOCUMENT REQUEST NO. 11:

2 All DOCUMENTS and WRITINGS constituting the record of an investigation
3 conducted in 2009 by Jhertaune Huntley concerning PLAINTIFF.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 11:

5 Subject to and without in any way waiving its general objections, and to the extent
6 it understands this Request, Defendant hereby produces documents Bates-stamped D00000060-
7 109, which constitutes the Employee Relations file maintained by Jhertaune Huntley relating to
8 Defendant's investigation of Plaintiff in Spring 2009.

9
10 DOCUMENT REQUEST NO. 12:

11 All DOCUMENTS and WRITINGS constituting the record of an investigation(s)
12 conducted in 2009 by Karen Saidiner and/or the Employee Relations Office concerning
13 PLAINTIFF.

14 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 12:

15 Subject to and without in any way waiving its general objections, and to the extent
16 it understands this Request, Defendant hereby produces documents Bates-stamped D000000110-
17 137, which constitutes the Employee Relations file maintained by Karen Saidiner relating to
18 Defendant's investigation of Plaintiff in Spring 2009.

19
20 DOCUMENT REQUEST NO. 13:

21 All DOCUMENTS and WRITINGS constituting the record of all investigations
22 conducted by YOU in 2009 and 2010 concerning PLAINTIFF.

23 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 13:

24 Defendant objects to this Request on the grounds that it is vague and ambiguous as
25 to "all investigations."

26 Subject to and without in any way waiving its general objections, and to the extent
27 it understands this Request, Defendant responds that documents produced in response to Request
28 Nos. 11 and 12 are responsive to this Request.

1 DOCUMENT REQUEST NO. 14:

2 All DOCUMENTS and WRITINGS constituting reports prepared concerning
3 allegations that PLAINTIFF was engaged in harassing co-workers in 2009.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 14:

5 Subject to and without in any way waiving its general objections, and to the extent
6 it understands this Request, Defendant responds that documents produced in response to Request
7 Nos. 11 and 12 are responsive to this Request.

8
9 DOCUMENT REQUEST NO. 15:

10 All DOCUMENTS and WRITINGS RELATING TO the administrative protocol
11 or procedures conducted in response to complaints or comments by YOUR employees concerning
12 PLAINTIFF.

13 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 15:

14 Defendant objects to this Request on the grounds that it is vague and ambiguous as
15 to "the administrative protocol or procedures conducted." Defendant further objects that this
16 Request is unintelligible as written. Defendant further objects to this Request on the grounds that
17 it is overly broad as to time and scope. Defendant further objects to this Request on the grounds
18 that it is unduly burdensome and oppressive. Defendant further objects to this Request on the
19 grounds that it seeks information that is not relevant to the subject matter of this litigation and is
20 not reasonably calculated to lead to the discovery of admissible evidence.

21 Based upon its foregoing objections, Defendant cannot respond to this Request as
22 drafted.

23
24 DOCUMENT REQUEST NO. 16:

25 All DOCUMENTS and WRITINGS RELATING TO CHIN'S response to,
26 reaction to or impressions concerning PLAINTIFF's interest in religion.

27

28

1 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 16:

2 Defendant objects to this Request on the grounds that it is vague and ambiguous as
3 to "response," "reaction," "impressions concerning," and "PLAINTIFF's interest in religion."
4 Defendant further objects to this Request on the grounds that it is overly broad as to time and
5 scope. Defendant further objects to this Request on the grounds that it is unduly burdensome and
6 oppressive.

7 Subject to and without in any way waiving the foregoing objections, and to the
8 extent it understands this Request as applying to the fact of Plaintiff's stated interest in religion,
9 Defendant responds that it has not located any documents responsive to this Request.

10

11 DOCUMENT REQUEST NO. 17:

12 All DOCUMENTS and WRITINGS RELATING TO CHIN'S response to,
13 reaction to or impressions concerning PLAINTIFF's interest in politics.

14 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 17:

15 Defendant objects to this Request on the grounds that it is vague and ambiguous as
16 to "response," "reaction," "impressions concerning," and "PLAINTIFF's interest in politics."
17 Defendant further objects to this Request on the grounds that it is overly broad as to time and
18 scope. Defendant further objects to this Request on the grounds that it is unduly burdensome and
19 oppressive.

20 Subject to and without in any way waiving the foregoing objections, and to the
21 extent it understands this Request as applying to the fact of Plaintiff's stated interest in politics,
22 Defendant responds that it has not located any documents responsive to this Request.

23

24 DOCUMENT REQUEST NO. 18:

25 All DOCUMENTS and WRITINGS RELATING TO CHIN'S response to,
26 reaction to or impressions concerning PLAINTIFF's interest in intelligent design.

27

28

1 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 18:

2 Defendant objects to this Request on the grounds that it is vague and ambiguous as
3 to "response," "reaction," "impressions concerning," and "PLAINTIFF's interest in intelligent
4 design." Defendant further objects to this Request on the grounds that it is overly broad as to
5 time and scope. Defendant further objects to this Request on the grounds that it is unduly
6 burdensome and oppressive.

7 Subject to and without in any way waiving the foregoing objections, and to the
8 extent it understands this Request as applying to the fact of Plaintiff's stated interest in intelligent
9 design, Defendant responds that it has not located any documents responsive to this Request.

10
11 DOCUMENT REQUEST NO. 19:

12 All DOCUMENTS and WRITINGS RELATING TO removing PLAINTIFF as
13 Cassini Systems Administration Team Lead.

14 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 19:

15 Subject to and without in any way waiving its general objections, and to the extent
16 it understands this Request as requesting documents reflecting the reasons for Defendant's
17 decision that Plaintiff would no longer perform lead activities for the systems administrators
18 group, Defendant responds that is hereby producing non-privileged documents that are responsive
19 to this Request.

20
21 DOCUMENT REQUEST NO. 20:

22 All DOCUMENTS and WRITINGS RELATING TO demoting PLAINTIFF.

23 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 20:

24 Defendant objects to this Request on the grounds that it is vague and ambiguous as
25 to "demoting." Defendant further objects to this Request on the grounds that it is overly broad as
26 to time and scope.

27

28

4/10/12

1 Subject to and without in any way waiving the foregoing objections, and to the
2 extent it understands this Request, Defendant responds that Plaintiff was not demoted and
3 therefore no such documents exist.

4
5 DOCUMENT REQUEST NO. 21:

6 All DOCUMENTS and WRITINGS RELATING TO terminating PLAINTIFF.

7 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 21:

8 Defendant objects to this Request on the grounds that it is overly broad as to time
9 and scope. Defendant further objects to this Request on the grounds that it is unduly burdensome
10 and oppressive. Defendant further objects to this Request on the grounds that it seeks information
11 that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead
12 to the discovery of admissible evidence.

13 Subject to and without in any way waiving the foregoing objections, and to the
14 extent it understands this Request, Defendant responds that it has not located any documents
15 responsive to this Request.

16
17 DOCUMENT REQUEST NO. 22:

18 All DOCUMENTS and WRITINGS identifying YOUR Unlawful Harassment
19 Policy between 2008 and 2010.

20 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 22:

21 Defendant objects to this Request on the grounds that it is vague and ambiguous as
22 to "identifying." Defendant further objects to this Request on the grounds that it is overly broad
23 as to scope. Defendant further objects to this Request on the grounds that it is unduly
24 burdensome and oppressive. Defendant further objects to this Request to the extent it seeks
25 information that is not relevant to the subject matter of this litigation and is not reasonably
26 calculated to lead to the discovery of admissible evidence.

27 Subject to and without in any way waiving the foregoing objections, and to the
28 extent it understands this Request, Defendant hereby produces its Unlawful Harassment Policy.

1 DOCUMENT REQUEST NO. 23:

2 All DOCUMENTS and WRITINGS identifying YOUR Ethics and Business
3 Conduct Policy between 2008 and 2010.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 23:

5 Defendant objects to this Request on the grounds that it is vague and ambiguous as
6 to "identifying." Defendant further objects to this Request to the extent it is overly broad as to
7 scope. Defendant further objects to this Request on the grounds that it is unduly burdensome and
8 oppressive. Defendant further objects to this Request on the grounds that it seeks information
9 that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead
10 to the discovery of admissible evidence.

11 Subject to and without in any way waiving the foregoing objections, and to the
12 extent it understands this Request, Defendant hereby produces its Ethics and Business Conduct
13 Policy.

14
15 DOCUMENT REQUEST NO. 24:

16 All DOCUMENTS and WRITINGS identifying YOUR discrimination policy
17 between 2008 and 2010.

18 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 24:

19 Defendant objects to this Request on the grounds that it is vague and ambiguous as
20 to "identifying." Defendant further objects to this Request to the extent it is overly broad as to
21 scope. Defendant further objects to this Request on the grounds that it is unduly burdensome and
22 oppressive. Defendant further objects to this Request on the grounds that it seeks information
23 that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead
24 to the discovery of admissible evidence.

25 Subject to and without in any way waiving the foregoing objections, and to the
26 extent it understands this Request, Defendant hereby produced its Nondiscrimination and Equal
27 Employment Opportunity Policy.

1 DOCUMENT REQUEST NO. 25:

2 All DOCUMENTS and WRITINGS identifying YOUR diversity training policy
3 between 2008 and 2010.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 25:

5 Defendant objects to this Request on the grounds that it is vague and ambiguous as
6 to "identifying" and "diversity training policy." Defendant further objects to this Request on the
7 grounds that it is overly broad as scope. Defendant further objects to this Request on the grounds
8 that it is unduly burdensome and oppressive. Defendant further objects to this Request to the
9 extent it seeks information that is not relevant to the subject matter of this litigation and is not
10 reasonably calculated to lead to the discovery of admissible evidence.

11 Subject to and without in any way waiving the foregoing objections, and to the
12 extent it understands this Request, Defendant responds that no such written policy exists.

13

14 DOCUMENT REQUEST NO. 26:

15 The "short note" given to Human Resources by CHIN stating that there were
16 allegations made against PLAINTIFF of a hostile work environment.

17 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 26:

18 Defendant objects to this Request on the grounds that it is vague and ambiguous as
19 to "short note."

20 Subject to and without in any way waiving the foregoing objections, and to the
21 extent it understands this Request, Defendant responds that no responsive documents have been
22 located.

23

24 DOCUMENT REQUEST NO. 27:

25 All DOCUMENTS and WRITINGS supporting the contention, as stated the

26 ~~Seventh-Affirmative-Defense-to-YOUR-Answer-to the First-Amended-Complaint, that~~

27 PLAINTIFF failed to exhaust his administrative remedies, the allegations in the Complaint fall

28 outside the scope of any administrative charges PLAINTIFF filed and/or PLAINTIFF otherwise

PLAINTIFF

1 failed to comply with the statutory prerequisites to the bringing of this action, pursuant to the
2 FEHA, California Government Code section 12900 *et seq.*

3 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 27:

4 Subject to and without in any way waiving its general objections, and to the extent
5 it understands this Request, Defendant refers Plaintiff to his production of documents relating to
6 the charges he filed with the Department of Fair Employment and Housing.

7
8 DOCUMENT REQUEST NO. 28:

9 All DOCUMENTS and WRITINGS supporting the contention, as stated the
10 Eighth Affirmative Defense to your Answer to the First Amended Complaint, that The
11 Complaint, and each of its causes of action, is barred because Defendants are unable to
12 reasonably accommodate PLAINTIFF's alleged religious beliefs and/or practices without undue
13 hardship.

14 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 28:

15 Subject to and without in any way waiving the foregoing objections, and to the
16 extent it understands this Request, Defendant responds that it has not located documents
17 responsive to this Request. Defendant's investigation is continuing.

18
19 DOCUMENT REQUEST NO. 29:

20 All DOCUMENTS and WRITINGS supporting the contention, as stated the Tenth
21 Affirmative Defense to YOUR Answer to the First Amended Complaint, that the Complaint, and
22 each of its Causes of Action, is barred because PLAINTIFF did not satisfy and/or breached his
23 statutory obligations as provided in the California Labor Code including, but not limited to,
24 sections 2854 and 2856-2859.

25 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 29:

26 ~~Subject to and without in any way waiving the foregoing objections, and to the~~
27 extent it understands this Request, Defendant responds that documents produced in response to
28 Request No. 1 are responsive to this Request.

1 DOCUMENT REQUEST NO. 30:

2 All e-mail messages between and/or among CHIN, BURGESS, KLENK,
3 Jhertaune Huntley and/or Karen Saidiner concerning allegations of harassment against
4 PLAINTIFF.

5 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 30:

6 Defendant objects to this Request on the grounds that it is vague and ambiguous as
7 to "allegations of harassment." Defendant further objects to this Request on the grounds that it is
8 overly broad as to time and scope. Defendant further objects to this Request on the grounds that
9 it is unduly burdensome and oppressive.

10 Subject to and without in any way waiving the foregoing objections, and to the
11 extent it understands this Request, Defendant is hereby producing non-privileged documents
12 responsive to this Request.

13

14 DOCUMENT REQUEST NO. 31:

15 All DOCUMENTS and WRITINGS supporting YOUR contention that
16 PLAINTIFF's actions were "unwelcome and disruptive."

17 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 31:

18 Defendant objects to this Request on the grounds that it is vague and ambiguous as
19 to "actions." Defendant further objects to this Request on the grounds that it is overly broad as to
20 time and scope. Defendant further objects to this Request on the grounds that it is unduly
21 burdensome and oppressive.

22 Subject to and without in any way waiving the foregoing objections, and to the
23 extent it understands this Request, Defendant responds that documents produced in response to
24 Request Nos. 6, 11, and 12 are responsive to this Request.

25

26 DOCUMENT REQUEST NO. 32:

27 All DOCUMENTS and WRITINGS supporting YOUR contention that
28 PLAINTIFF violated YOUR harassment policy.

1 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 32:

2 Subject to and without in any way waiving the foregoing objections, and to the
3 extent it understands this Request, Defendant responds that documents produced in response to
4 Request Nos. 3, 6, 11 and 12 are responsive to this Request.

5
6 DOCUMENT REQUEST NO. 33:

7 All DOCUMENTS and WRITINGS supporting YOUR contention that
8 PLAINTIFF violated YOUR ethics policy.

9 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 33:

10 Subject to and without in any way waiving the foregoing objections, and to the
11 extent it understands this Request, Defendant responds that documents produced in response to
12 Request Nos. 3, 6, 11, and 12 are responsive to this Request.

13
14 DOCUMENT REQUEST NO. 34:

15 All DOCUMENTS and WRITINGS supporting YOUR contention that
16 PLAINTIFF violated YOUR discrimination policy.

17 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 34:

18 Subject to and without in any way waiving its general objections, and to the extent
19 it understands this Request, Defendant responds that no such documents exist.

20
21 DOCUMENT REQUEST NO. 35:

22 All DOCUMENTS and WRITINGS RELATING TO YOUR contention that
23 PLAINTIFF continued to discuss politics or religion with his co-workers while in the office after
24 being instructed not to do so.

25 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 35:

26 Subject to and without in any way waiving the foregoing objections, and to the
27 extent it understands this Request, Defendant responds that documents produced in response to
28 Request Nos. 6, 11 and 12 are responsive to this Request.

1 DOCUMENT REQUEST NO. 36:

2 All DOCUMENTS and WRITINGS RELATING TO YOUR First Affirmative
3 defense.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 36:

5 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
6 overbroad in that it seeks documents to support a legal contention. Defendant further objects to
7 this Request to the extent that it seeks information protected by the attorney-client privilege
8 and/or attorney work product doctrine.

9 Based upon the foregoing objections, and to the extent it understands this Request,
10 Defendant responds that documents produced in response to Request Nos. 3, 6, 11 and 12 are
11 responsive to this Request.

12
13 DOCUMENT REQUEST NO. 37:

14 All DOCUMENTS and WRITINGS RELATING TO YOUR Second Affirmative
15 defense.

16 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 37:

17 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
18 overbroad in that it seeks documents to support a legal contention. Defendant further objects to
19 this Request to the extent that it seeks information protected by the attorney-client privilege
20 and/or attorney work product doctrine.

21 Based upon the foregoing objections, and to the extent it understands this Request,
22 Defendant responds that it cannot respond to this Request as phrased.

23
24 DOCUMENT REQUEST NO. 38:

25 All DOCUMENTS and WRITINGS RELATING TO YOUR Third Affirmative
26 defense.

27
28

4/18/12

1 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 38:

2 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
3 overbroad to the extent it seeks documents to support a legal contention. Defendant further
4 objects to this Request to the extent that it seeks information protected by the attorney-client
5 privilege and/or attorney work product doctrine.

6 Subject to and without in any way waiving the foregoing objections, and to the
7 extent it understands this Request, Defendant responds that documents produced in response to
8 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

9
10 DOCUMENT REQUEST NO. 39:

11 All DOCUMENTS and WRITINGS RELATING TO YOUR Fourth Affirmative
12 Defense.

13 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 39:

14 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
15 overbroad to the extent it seeks documents to support a legal contention. Defendant further
16 objects to this Request to the extent that it seeks information protected by the attorney-client
17 privilege and/or attorney work product doctrine.

18 Subject to and without in any way waiving the foregoing objections, and to the
19 extent it understands this Request, Defendant responds that documents produced in response to
20 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

21
22 DOCUMENT REQUEST NO. 40:

23 All DOCUMENTS and WRITINGS RELATING TO YOUR Fifth Affirmative
24 defense.

25 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 40:

26 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
27 overbroad to the extent it seeks documents to support a legal contention. Defendant further

1 objects to this Request to the extent that it seeks information protected by the attorney-client
2 privilege and/or attorney work product doctrine.

3 Subject to and without in any way waiving the foregoing objections, and to the
4 extent it understands this Request, Defendant responds that documents produced in response to
5 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

6
7 DOCUMENT REQUEST NO. 41:

8 All DOCUMENTS and WRITINGS RELATING TO YOUR Sixth Affirmative
9 defense.

10 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 41:

11 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
12 overbroad to the extent it seeks documents to support a legal contention. Defendant further
13 objects to this Request to the extent that it seeks information protected by the attorney-client
14 privilege and/or attorney work product doctrine.

15 Subject to and without in any way waiving the foregoing objections, and to the
16 extent it understands this Request, Defendant responds that documents produced in response to
17 Request Nos. 1 and 6 are responsive to this Request.

18
19 DOCUMENT REQUEST NO. 42:

20 All DOCUMENTS and WRITINGS RELATING TO YOUR Seventh Affirmative
21 Defense.

22 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 42:

23 Defendant objects to this Request on the grounds that it is duplicative of Request
24 No. 27. Subject to and without in any way waiving its general objections, and to the extent it
25 understands this Request, Defendant refers Plaintiff to his Production of Documents relating to
26 the charges he filed with the Department of Fair Employment and Housing.

1 DOCUMENT REQUEST NO. 43:

2 All DOCUMENTS and WRITINGS RELATING TO YOUR Eighth Affirmative
3 Defense.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 43:

5 Defendant objects to this Request on the grounds that it is duplicative of Request
6 No. 28. Subject to and without in any way waiving the foregoing objections, and to the extent it
7 understands this Request, Defendant responds that it has not located documents responsive to this
8 Request. Defendant's investigation is continuing.

9
10 DOCUMENT REQUEST NO. 44:

11 All DOCUMENTS and WRITINGS RELATING TO YOUR Ninth Affirmative
12 Defense.

13 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 44:

14 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
15 overbroad to the extent it seeks documents to support a legal contention. Defendant further
16 objects to this Request to the extent that it seeks information protected by the attorney-client
17 privilege and/or attorney work product doctrine.

18 Subject to and without in any way waiving the foregoing objections, and to the
19 extent it understands this Request, Defendant responds that documents produced in response to
20 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

21
22 DOCUMENT REQUEST NO. 45:

23 All DOCUMENTS and WRITINGS RELATING TO YOUR Tenth Affirmative
24 Defense.

25 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 45:

26 Defendant objects to this Request on the grounds that it is duplicative of Request
27 No. 29: Subject to and without in any way waiving the foregoing objections, and to the extent it

28

4/16/12

1 understands this Request, Defendant responds that documents produced in response to Request
2 No. 1, 3, 6, 11 and 12 are responsive to this Request.

3
4 DOCUMENT REQUEST NO. 46:

5 All DOCUMENTS and WRITINGS RELATING TO YOUR Eleventh Affirmative
6 Defense.

7 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 46:

8 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
9 overbroad to the extent it seeks documents to support a legal contention. Defendant further
10 objects to this Request to the extent that it seeks information protected by the attorney-client
11 privilege and/or attorney work product doctrine.

12 Subject to and without in any way waiving the foregoing objections, and to the
13 extent it understands this Request, Defendant responds that documents produced in response to
14 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

15
16 DOCUMENT REQUEST NO. 47:

17 All DOCUMENTS and WRITINGS RELATING TO YOUR Twelfth Affirmative
18 Defense.

19 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 47:

20 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
21 overbroad to the extent it seeks documents to support a legal contention. Defendant further
22 objects to this Request to the extent that it seeks information protected by the attorney-client
23 privilege and/or attorney work product doctrine.

24 Subject to and without in any way waiving the foregoing objections, and to the
25 extent it understands this Request, Defendant responds that documents produced in response to
26 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

27
28
4/10/12

1 DOCUMENT REQUEST NO. 48:

2 All DOCUMENTS and WRITINGS RELATING TO YOUR Thirteenth
3 Affirmative Defense.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 48:

5 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
6 overbroad to the extent it seeks documents to support a legal contention. Defendant further
7 objects to this Request to the extent that it seeks information protected by the attorney-client
8 privilege and/or attorney work product doctrine.

9 Subject to and without in any way waiving the foregoing objections, and to the
10 extent it understands this Request, Defendant responds that documents produced in response to
11 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

12
13 DOCUMENT REQUEST NO. 49:

14 All DOCUMENTS and WRITINGS RELATING TO YOUR Fourteenth
15 Affirmative Defense.

16 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 49:

17 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
18 overbroad to the extent it seeks documents to support a legal contention. Defendant further
19 objects to this Request to the extent that it seeks information protected by the attorney-client
20 privilege and/or attorney work product doctrine.

21 Subject to and without in any way waiving the foregoing objections, and to the
22 extent it understands this Request, Defendant responds that documents produced in response to
23 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

24
25 DOCUMENT REQUEST NO. 50:

26 All DOCUMENTS and WRITINGS RELATING TO YOUR Fifteenth
27 Affirmative Defense.

28
4/16/12

1 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 50:

2 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
3 overbroad to the extent it seeks documents to support a legal contention. Defendant further
4 objects to this Request to the extent that it seeks information protected by the attorney-client
5 privilege and/or attorney work product doctrine.

6 Subject to and without in any way waiving the foregoing objections, and to the
7 extent it understands this Request, Defendant responds that documents produced in response to
8 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

9
10 DOCUMENT REQUEST NO. 51:

11 All DOCUMENTS and WRITINGS RELATING TO YOUR Sixteenth
12 Affirmative Defense.

13 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 51:

14 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
15 overbroad to the extent it seeks documents to support a legal contention. Defendant further
16 objects to this Request to the extent that it seeks information protected by the attorney-client
17 privilege and/or attorney work product doctrine.

18 Subject to and without in any way waiving the foregoing objections, and to the
19 extent it understands this Request, Defendant responds that documents produced in response to
20 Request No. 1 are responsive to this Request.

21
22 DOCUMENT REQUEST NO. 52:

23 All DOCUMENTS and WRITINGS RELATING TO YOUR Seventeenth
24 Affirmative Defense.

25 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 52:

26 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
27 overbroad to the extent it seeks documents to support a legal contention. Defendant further

1 objects to this Request to the extent that it seeks information protected by the attorney-client
2 privilege and/or attorney work product doctrine.

3 Subject to and without in any way waiving the foregoing objections, and to the
4 extent it understands this Request, Defendant responds that documents produced in response to
5 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

6
7 DOCUMENT REQUEST NO. 53:

8 All DOCUMENTS and WRITINGS RELATING TO YOUR Eighteenth
9 Affirmative Defense.

10
11 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 53:

12 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
13 overbroad in that it seeks documents to support a legal contention. Defendant further objects to
14 this Request to the extent that it seeks information protected by the attorney-client privilege
15 and/or attorney work product doctrine.

16 Based upon the foregoing objections, and to the extent it understands this Request,
17 Defendant responds that it cannot respond to this Request as phrased.

18
19 DOCUMENT REQUEST NO. 54:

20 All DOCUMENTS and WRITINGS RELATING TO YOUR Nineteenth
21 Affirmative Defense.

22 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 54:

23 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
24 overbroad to the extent it seeks documents to support a legal contention. Defendant further
25 objects to this Request to the extent that it seeks information protected by the attorney-client
26 privilege and/or attorney work product doctrine.

1 Subject to and without in any way waiving the foregoing objections, and to the
2 extent it understands this Request, Defendant responds that this information is within Plaintiff's
3 possession, custody, and control. Discovery is ongoing.

4
5 DOCUMENT REQUEST NO. 55:

6 All DOCUMENTS and WRITINGS RELATING TO YOUR Twentieth
7 Affirmative Defense.

8 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 55:

9 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
10 overbroad in that it seeks documents to support a legal contention. Defendant further objects to
11 this Request to the extent that it seeks information protected by the attorney-client privilege
12 and/or attorney work product doctrine.

13 Based upon the foregoing objections, and to the extent it understands this Request,
14 Defendant responds that it cannot respond to this Request as phrased.

15
16 DOCUMENT REQUEST NO. 56:

17 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-First
18 Affirmative Defense.

19 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 56:

20 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
21 overbroad in that it seeks documents to support a legal contention." Defendant further objects to
22 this Request to the extent that it seeks information protected by the attorney-client privilege
23 and/or attorney work product doctrine.

24 Based upon the foregoing objections, and to the extent it understands this Request,
25 Defendant responds that it cannot respond to this Request as phrased.

4/19/12

1 DOCUMENT REQUEST NO. 57:

2 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Second
3 Affirmative Defense.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 57:

5 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
6 overbroad in that it seeks documents to support a legal contention." Defendant further objects to
7 this Request to the extent that it seeks information protected by the attorney-client privilege
8 and/or attorney work product doctrine.

9 Based upon the foregoing objections, and to the extent it understands this Request,
10 Defendant responds that it cannot respond to this Request as phrased.

11
12 DOCUMENT REQUEST NO. 58:

13 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Third
14 Affirmative Defense.

15 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 58:

16 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
17 overbroad in that it seeks documents to support a legal contention." Defendant further objects to
18 this Request to the extent that it seeks information protected by the attorney-client privilege
19 and/or attorney work product doctrine.

20 Based upon the foregoing objections, and to the extent it understands this Request,
21 Defendant responds that it cannot respond to this Request as phrased.

22
23 DOCUMENT REQUEST NO. 59:

24 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Fourth
25 Affirmative Defense.

26 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 59:

27 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
28 overbroad to the extent it seeks documents to support a legal contention. Defendant further

1. objects to this Request to the extent that it seeks information protected by the attorney-client
2. privilege and/or attorney work product doctrine.

3. Subject to and without in any way waiving the foregoing objections, and to the
4. extent it understands this Request, Defendant responds that documents produced in response to
5. Request Nos. 1, 6, 11 and 12 are responsive to this Request.

6.

7. DOCUMENT REQUEST NO. 60:

8. All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Fifth
9. Affirmative Defense.

10. OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 60:

11. Defendant objects to this Request on the grounds that it is vague, ambiguous, and
12. overbroad in that it seeks documents to support a legal contention.” Defendant further objects to
13. this Request to the extent that it seeks information protected by the attorney-client privilege
14. and/or attorney work product doctrine.

15. Based upon the foregoing objections, and to the extent it understands this Request,
16. Defendant responds that it cannot respond to this Request as phrased.

17.

18. DOCUMENT REQUEST NO. 61:

19. All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Sixth
20. Affirmative Defense.

21. OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 61:

22. Defendant objects to this Request on the grounds that it is vague, ambiguous, and
23. overbroad in that it seeks documents to support a legal contention.” Defendant further objects to
24. this Request to the extent that it seeks information protected by the attorney-client privilege
25. and/or attorney work product doctrine.

26. Based upon the foregoing objections, and to the extent it understands this Request,
27. Defendant responds that it cannot respond to this Request as phrased.

28.

4/10/12

1 DOCUMENT REQUEST NO. 62:

2 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Seventh
3 Affirmative Defense.

4 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 62:

5 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
6 overbroad to the extent it seeks documents to support a legal contention. Defendant further
7 objects to this Request to the extent that it seeks information protected by the attorney-client
8 privilege and/or attorney work product doctrine.

9 Subject to and without in any way waiving the foregoing objections, and to the
10 extent it understands this Request, Defendant responds that documents produced in response to
11 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

12
13 DOCUMENT REQUEST NO. 63:

14 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Eighth
15 Affirmative Defense.

16 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 63:

17 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
18 overbroad to the extent it seeks documents to support a legal contention. Defendant further
19 objects to this Request to the extent that it seeks information protected by the attorney-client
20 privilege and/or attorney work product doctrine.

21 Subject to and without in any way waiving the foregoing objections, and to the
22 extent it understands this Request, Defendant responds that documents produced in response to
23 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

24
25 DOCUMENT REQUEST NO. 64:

26 All DOCUMENTS and WRITINGS RELATING TO YOUR Twenty-Ninth
27 Affirmative Defense.

1 OBJECTIONS AND RESPONSE TO DOCUMENT REQUEST NO. 64:

2 Defendant objects to this Request on the grounds that it is vague, ambiguous, and
3 overbroad to the extent it seeks documents to support a legal contention. Defendant further
4 objects to this Request to the extent that it seeks information protected by the attorney-client
5 privilege and/or attorney work product doctrine.

6 Subject to and without in any way waiving the foregoing objections, and to the
7 extent it understands this Request, Defendant responds that documents produced in response to
8 Request Nos. 1, 3, 6, 11 and 12 are responsive to this Request.

9 DATED: October 27, 2010

PAUL, HASTINGS, JANOFSKY & WALKER LLP
JAMES A. ZAPP
CAMERON W. FOX

11
12
13 By: 

CAMERON W. FOX

14 Attorneys for Defendants
15 CALIFORNIA INSTITUTE OF TECHNOLOGY,
16 GREGORY CHIN, CLARK A. BURGESS, KEVIN
17 KLENK

18 (AS TO OBJECTIONS ONLY)
19
20
21
22
23
24
25
26
27

28
4/10/12

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

PROOF OF SERVICE

STATE OF CALIFORNIA }
CITY OF LOS ANGELES AND COUNTY OF } ss:
LOS ANGELES }

I am employed in the City of Los Angeles and County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is as follows: 515 So. Flower Street, 25th Floor, Los Angeles, CA 90071.

On October 27, 2010, I served the foregoing document(s) described as:

DEFENDANT CALIFORNIA INSTITUTE OF TECHNOLOGY'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S DEMAND FOR INSPECTION AND COPYING OF DOCUMENTS, TANGIBLE THINGS AND ELECTRONICALLY STORED INFORMATION (SET ONE)

on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

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

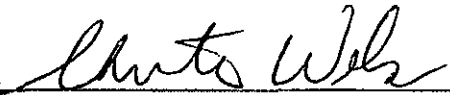
Attorney for Plaintiff
DAVID COPPEDGE

VIA U.S. MAIL:

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 October 27, 2010 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 October 27, 2010, at Los Angeles, California.

Christine Wilson
Type or Print Name


Signature

4/10/12

4/10/12

Ex.B

EXHIBIT B

*** JPL DISCREET ***

Employee Progression History Report for: 18373

Employee Progression History Report

Employee Name: CORPEQUE, DAVID F Employee #: 118373 Legacy #: Gender / Ethnicity: M / Caucasian
 Job Info: X254 / SW Compig Sys / Level 4 DOB: 03/21/1951
 Organization: 173A - COMPUTER SYSTEMS ADMINISTRATION & ENGINEERING Citizenship: Early Career Hire: Termination Date: Verified: Y
 Supervisor: RICHARD VAN WHY, Mgr - Acting R&D: Office Location: 230-207C School: CSU Northridge

Transdate	Changed Date	Action	Orgn (G)	Jobcode (J)	Disc (D)	Grade (G)	Wkly Salary (\$)	Inc Amt	Inc Pat	Lump Amt (L)	Lump Type	Emp Prog (E)	Status (S)	Hrs (H)	AltW1	AltW2	AltW3
09/13/2010	\$	ASR	173A	X254	G1800	85	\$2,420	\$28	1.09			REG	Active Assignment	40			
12/07/2009	O		173A	X254	G1800	85	\$2,394	\$0	0.00			REG	Active Assignment	40			
08/28/2009	DCJ		173E	X254	G1800	65	\$2,394	\$0	0.00			REG	Active Assignment	40			
09/16/2008	\$	ASR	173E	X803	C0508	12	\$2,394	\$88	3.73			REG	Active Assignment	40			
09/17/2007	\$	ASR	173E	X803	C0508	12	\$2,308	\$78	3.41			REG	Active Assignment	40			
07/09/2007	L		173E	X803	C0508	12	\$2,252	\$0	0.00	300.00	Bonus Award	REG	Active Assignment	40			
04/02/2007	L		173E	X803	C0508	12	\$2,252	\$0	0.00	400.00	Bonus Award	REG	Active Assignment	40			
09/18/2006	L		173E	X803	C0508	12	\$2,252	\$0	0.00	1,000.00	Merit 2	REG	Active Assignment	40			
09/19/2006	\$	ASR	173E	X803	C0508	12	\$2,162	\$72	3.44			REG	Active Assignment	40			
09/20/2004	L		173E	X803	C0508	12	\$2,060	\$0	0.00	1,000.00	Merit 2	REG	Active Assignment	40			
09/20/2004	\$	ASR	173E	X803	C0508	12	\$2,060	\$80	3.98			REG	Active Assignment	40			
09/22/2003	\$	ASR	173E	X803	C0508	12	\$2,010	\$68	4.47			REG	Active Assignment	40			
01/27/2003	\$		173E	X803	C0508	12	\$1,924	\$0	0.00			REG	Active Assignment	40			

EX.B