

1 HAEGGQUIST & ECK, LLP
ALREEN HAEGGQUIST (221858)
2 alreenh@haelaw.com
3 JENNA M. RANGEL (272735)
jennar@haelaw.com
4 ROBERT D. PRINE (312432)
robertp@haelaw.com
5 225 Broadway, Suite 2050
San Diego, CA 92101
6 Telephone: (619) 342-8000
7 Facsimile: (619) 342-7878

Attorneys for Plaintiff Beverly M. Emerson, Ph.D.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO
10 CENTRAL DIVISION

11 KATHERINE A. JONES, Ph.D.,
12 Plaintiff,
13 v.
14 THE SALK INSTITUTE FOR BIOLOGICAL
STUDIES; and DOES 1-50,
15 Defendants.

16 VICTORIA J. LUNDBLAD, Ph.D.
17 Plaintiff,
18 v.
19 THE SALK INSTITUTE FOR BIOLOGICAL
STUDIES; and DOES 1-50,
20 Defendants.
21

22 BEVERLY M. EMERSON, Ph.D.,
23 Plaintiff,
24 v.
25 THE SALK INSTITUTE FOR BIOLOGICAL
STUDIES, SAN DIEGO, CALIFORNIA; and
26 DOES 1-50, Inclusive,
27 Defendants.
28

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
07/13/2018 at 10:01:00 PM
Clerk of the Superior Court
By Jessica Pascual, Deputy Clerk

Case No.: 37-2017-00025159-CU-OE-CTL
Consolidated with:
Case No.: 37-2017-00025248-CU-OE-CTL
Case No.: 37-2017-00026375-CU-OE-CTL

NOTICE OF EVIDENCE IN SUPPORT OF
PLAINTIFF BEVERLY M. EMERSON'S
OPPOSITION TO SALK INSTITUTE FOR
BIOLOGICAL STUDIES' MOTION FOR
SUMMARY ADJUDICATION AS TO
PLAINTIFF BEVERLY M. EMERSON

IMAGED FILE

Date: August 17, 2018
Time: 1:30 p.m.
Judge: Honorable Eddie C. Sturgeon
Dept.: C-67

Actions Filed: July 11, 2017 and July 18, 2017
Trial: December 7, 2018

**PUBLIC – REDACTS MATERIAL FROM
CONDITIONALLY SEALED RECORD**

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to California Rules of Court, Rule 3.1350, Plaintiff
3 Beverly M. Emerson, Ph.D. submits to the Court the following evidence in support of her Opposition
4 to Defendant's Motion for Summary Adjudication as to Plaintiff Beverly M. Emerson.

Ex. No.	Description
93.	Excerpts from the deposition transcript of Elizabeth Keene Alton, taken April 12, 2018
94.	Excerpts from the deposition transcript of Elizabeth Blackburn, taken July 10, 2018
95.	Excerpts from the deposition transcript of Marsha Chandler, taken April 25, 2018
96.	Excerpts from the deposition transcript of Jennefer Collins, taken April 24, 2018
97.	Excerpts from the deposition transcript of Lisa Coussens, taken April 11, 2018
98.	Excerpts from the deposition transcript of Beverly M. Emerson, taken January 23, 2018
99.	Excerpts from the deposition transcript of Susan L. Forsburg, taken February 20, 2018
100.	Inadvertently Left Blank
101.	Excerpts from the deposition transcript of Jan Karlseder, taken June 15, 2018
102.	Inadvertently Left Blank
103.	Excerpts from the deposition transcript of Richard Murphy, taken March 6, 2018
104.	Excerpts from the deposition transcript of Thomas Pollard, taken March 2, 2018 [copy of Original Transcript which includes Dr. Pollard's changes to the transcript]
105.	Excerpts from the deposition transcript of Alan Saghatelian, dated May 25, 2018
106.	Excerpts from the deposition transcript of Faye Wilson, taken May 25, 2018
107.	Declaration of Beverly M. Emerson in Support of Her Opposition to the Salk Institute for Biological Studies' Motion for Summary Adjudication as to Plaintiff Beverly M. Emerson
108.	Emails re Reduce Emerson's Staff, dated September 6, 2012 (SALK_0012115)
109.	Emerson Grant Funding 1987-2017 (EMERSON 001021)
110.	Select Faculty C.V.'s (SALK_0017598; SALK_0017606; SALK_0017646; SALK_0017684-17691; SALK_0017707; SALK_0017764; SALK_0017790; SALK_0017814; SALK_0017950; SALK_0017776-17778)
111.	Endowed Chairs Chart (SALK_0017397)
112.	Emails re Helmsley Charitable Trust gift and grant (EMERSON 000777, EMERSON 000837)
113.	Salk Institute ~ International Council List of Meeting Themes and Presentations (SALK_0015390-15393)
114.	Quarterly Faculty Meeting, dated February 7, 2014 (SALK_0017302-17305)
115.	Excerpts from Salk Institute Finance Subgroup Briefing (EMERSON 00057; EMERSON 000065-66)
116.	Using Evolutionary Principles to Control the Cancer Ecosystem, Proposal by Beverly M. Emerson (EMERSON 000839-843)
117.	Email from Beverly Emerson to Elizabeth Blackburn re: Research Proposal, dated January 3, 2017 (EMERSON 000844)
118.	Email from Lynette Tran to Beverly Emerson, et al., re: Cancer Ecosystems Initiative

Ex. No.	Description
	Meeting, dated January 30, 2017 (EMERSON 000846)
119.	Email from Lynette Tran to Beverly Emerson, re: Cancer Ecosystems Initiative Meeting, dated February 1, 2017 (EMERSON 000847)
120.	Email from Beverly Emerson to Lynette Tran re: Cancer Ecosystems Initiative Budget, dated February 3, 2017 (EMERSON 000979-982)
121.	Emails re Cancer Ecosystems Budget, dated February 4, 2017 to March 7, 2017 (EMERSON 000983, EMERSON 000848-852)
122.	Diane Wilson email to Beverly Emerson, et al., re: Scheduling a meeting to discuss initiative proposal, dated March 7, 2017 (EMERSON 000853)
123.	Email from Lynette Tran to Beverly Emerson, et al., re: Cancer Ecosystems Initiative Budget, dated March 14, 2017 (EMERSON 000854-862)
124.	Emails re: Cancer Ecosystems Initiative Budgets, dated March 15-17, 2017 (EMERSON 000865-867)
125.	Emails re: Scheduling a meeting to discuss initiative proposal, dated March 14, 2017 to April 11, 2017 (EMERSON 0001922-1924, EMERSON 000993-995)
126.	Salk's Second Supplemental Responses and Objections to Plaintiff's First Set of Special Interrogatories, dated May 1, 2018, Response to Special Interrogatory No. 13
127.	Salk's Third Supplemental Responses and Objections to Plaintiff's First Set of Special Interrogatories, dated May 8, 2018, Response to Special Interrogatory Nos. 12 and 19
128.	Declaration of Alreen Haeggquist in Support of Plaintiff Beverly M. Emerson's Opposition to Salk Institute for Biological Studies' Motion for Summary Adjudication as to Plaintiff Beverly M. Emerson
129.	Emails between Beverly Emerson and Elizabeth Blackburn, dated June 30, 2017 and July 3, 2017 (EMERSON 000868-869)
130.	Emails between Beverly Emerson, Sharon Bowes, and Elizabeth Blackburn, re: SN50 Summary Document, dated August 11, 2017 (EMERSON 000872; EMERSON 000871)
131.	Salk News – Prominent Scientists in Immunobiology and Aging Research to Join Salk Institute, dated June 22, 2017
132.	Academic Council Chart (SALK_0016989)
133.	Faculty Committee Charts (SALK_0016990; SALK_0016992; SALK_0016998)
134.	Salk's Supplemental Responses to Plaintiff's First Set of Requests for Admissions, dated February 28, 2018, Response to Request for Admission Nos. 4, 7, 8, and 44
135.	Salk Institute Cancer Center – Organization 2013 and 2016 (EMERSON 000990-991)
136.	Salk's Second Supplemental Responses to Plaintiff's First Set of Requests for Admission, dated April 3, 2018, Response to Requests for Admissions No. 40
137.	Salk's Second Supplemental Responses and Objections to Plaintiff's Form Interrogatories – Employment – Set One, dated May 1, 2018, Response to Form Interrogatory No. 217.1
138.	Emails between Vicki Lundblad and Beverly Emerson, re: The Meeting with Liz, dated May 29, 2016 (EMERSON 001562-1563)
139.	Science – Famed Cancer Biologist Allegedly Sexually Harassed Women for Decades, dated April 26, 2018
140.	Salk News – Message from the Chairman of the Board and the President, dated June

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

Ex. No.	Description
	11, 2018
141.	Salk's Responses to Plaintiff's First Set of Requests for Admission, dated October 12, 2017, Request for Admissions Nos. 46 and 50
142.	Academic Council Meeting Agenda, dated April 21, 2015 (EMERSON 000795-797)
143.	Emails re: 2015-2016 Faculty Committees, dated May 6, 2015 (EMERSON 001535)
144.	Emails between Beverly Emerson, Robert Eisenman, and Kathy Jones, re: Salk Cancer Center Visit, dated February 1, 2016 (EMERSON 000823-826)
145.	Email from Robert Eisenman to Beverly Emerson, and Kathy Jones, dated March 4, 2016 (EMERSON 000832)
146.	Chair's Report – Annual Faculty Meeting, dated March 18, 2016 (EMERSON 000901-904)
147.	Salk News – Elizabeth Blackburn, Salk Institute's First Female President, Honored by <i>TIME</i> as a Trailblazing Woman, dated September 8, 2017
148.	Beverly Emerson's Notes from the Meeting with Elizabeth Blackburn, dated May 27, 2016 (EMERSON 000051)
149.	Emails between Beverly Emerson, Mallory Zaslav, and Jennefer Collins, re: Info Requested, dated May 27, 2016 and June 7, 2016) (EMERSON 000835)
150.	Draft Report of the Salk Culture and Community Workgroup, dated June 17, 2016

Dated: July 13, 2018

HAEGGQUIST & ECK, LLP
 ALREEN HAEGGQUIST
 JENNA M. RANGEL
 ROBERT D. PRINE

By:

ALREEN HAEGGQUIST

225 Broadway, Suite 2050
 San Diego, CA 92101
 Telephone: (619) 342-8000
 Facsimile: (619) 342-7878

Attorneys for Plaintiff Beverly M. Emerson, Ph.D.

EXHIBIT 129

From: Bev Emerson emerson@salk.edu
Subject: Re: From Elizabeth Blackburn
Date: July 3, 2017 at 11:35 AM
To: Elizabeth Blackburn eblackburn@salk.edu

Hi Liz,

Thank you for your gracious message. Sorry for my delayed response but I have just been catching up with my email and only saw your message just now. Of course, I am happy to talk to you. I've known you for many years. As you know, I have tried to resolve the issues you are referring to in many ways, even as Faculty chair and Board member, but in my mind nothing changed for the senior female faculty. Even lately, simple things like getting broken departmental equipment replaced by working through Kim, Travis, and even trying to get a donation by giving a lab tour and showing a powerpoint to the Brown Foundation, have been unsuccessful. My request to hire a part-time student lab helper, previously approved, was not re-approved and my student, whom we had trained as a volunteer for several months, took a job elsewhere. I only have two postdocs in my lab so their time to train the student is valuable. Finally, I haven't heard any updates about the status of fundraising for my research proposal on "Cancer Ecosystems" in several months even though I worked to prepare a 5 year budget and write a lay summary as requested.

I was also dismayed that none of the female full professors were asked to meet with Susan Kaech during her two visits to the Institute and that only junior faculty females were asked to go to the International Council meeting in St. Petersburg. Surely, Kathy or Vicki could have been asked, considering their accomplishments.

I am happy to talk to you, Liz. Perhaps we can schedule some time later this week. I will be away on a trip starting Monday July 10.

Thank you for considering nominating me for election to the AAA&S. Sharon Bowes asked me for my materials a few weeks ago.

Sincerely,

Bev

Beverly M. Emerson, Ph.D.
Professor
Edwin K. Hunter Chair
The Salk Institute for Biological Studies
10010 North Torrey Pines Road La Jolla, CA 92037

EMAIL: emerson@salk.edu
PHONE: 858-453-4100, x1368
FAX: 858-535-8194

On Jun 30, 2017, at 2:32 PM, Elizabeth Blackburn <eblackburn@salk.edu> wrote:

Dear Bev,

I'm writing to you as scientist to scientist, colleague to colleague, and friend to friend. We find ourselves in awkward times, heading for painful and possibly irreparable decisions, and I'm wondering if we can't just step away from the legal process a moment and consider where and who we are.

Let's begin with our relationship as scientists—particularly as female scientists. I, better than anyone else, perhaps, understand the difficulties that women researchers can encounter in what has historically been a male-dominated industry. Here's what I've learned in my years of experience: difficulties are best resolved when people sit down and talk about them, when they work *together* rather than in contention.

You know how much I value the contribution of women to scientific research. As the first female President of the Salk Institute, I've made it a priority of my office to stress diversity and inclusion, welcoming and supporting the best minds regardless of age, nationality, race, gender, disability or sexual orientation. Under my tenure, science comes first. If you feel that your research isn't being appropriately supported or you feel that your contributions aren't being adequately appreciated, let's talk. As Mahatma Gandhi said, "Honest disagreement is often a

adequately appreciated, let's talk. AS MAHATMA GANDHI SAID, "HONEST DISAGREEMENT IS OFTEN A good sign of progress."

Writing to you as a colleague, one who has invested half a lifetime in building a solid reputation in the scientific community, allow me to ask if you've thoughtfully considered the road you're on—because I think it's an ill-advised one. You have a reputation to protect. The Institute has a reputation that it will vigorously defend. While you certainly have a right to litigate, I ask you to consider if this is the least injurious path toward achieving your goals. What feels good right now, based, perhaps, on complex emotions, may not prove—on a career-long road—the most prudent tactic.

Lastly, friend to friend: You've been part of the Salk family for so many years. Families have their disagreements. But they don't litigate their disagreements. They talk about them. And that's what I propose: fruitful talk. Considered discussion. I'm saddened that we find ourselves on the brink of litigation and don't quite understand how we got here. If we must continue in contention, we will, of course, but let me ask this: Wouldn't the ideal outcome of this situation be that you continue to pursue your research here at the Salk Institute, satisfactorily compensated and appreciated for your talent as well as for your contribution to improving the human condition?

If you believe, as I do, that there is yet an opportunity to resolve our differences and preserve the long, positive relationship we have with one another, then let's talk. I intend to adjust my schedule to meet at your earliest convenience, and I hopefully await your response.

Elizabeth Blackburn