

Nos. 09-17241, 09-17551

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**KRISTIN M. PERRY, et al.,
*Plaintiffs-Appellees,***

v.

**DENNIS HOLLINGSWORTH, et al.
*Defendant-Intervenors-Appellees.***

Appeal from United States District Court for the Northern District of California

Civil Case No. 09-CV-2292 VRW (Honorable Vaughn R. Walker)

**DEFENDANT-INTERVENORS-APPELLANTS'
RELEVANT PARTS OF THE RECORD VOLUME IV OF IV**

Andrew P. Pugno
LAW OFFICES OF ANDREW P. PUGNO
101 Parkshore Drive, Suite 100
Folsom, California 95630
(916) 608-3065; (916) 608-3066 Fax

Brian W. Raum
James A. Campbell
ALLIANCE DEFENSE FUND
15100 North 90th Street
Scottsdale, Arizona 85260
(480) 444-0020; (480) 444-0028 Fax

Charles J. Cooper
David H. Thompson
Howard C. Nielson, Jr.
Nicole J. Moss
Jesse Panuccio
Peter A. Patterson
COOPER AND KIRK, PLLC
1523 New Hampshire Ave., N.W.
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 Fax

Attorneys for Defendant-Intervenors-Appellants

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE VAUGHN R. WALKER, JUDGE

KRISTIN PERRY, ET AL.,)
)
Plaintiffs,)
)
VS.) NO. C 09-2292 VRW
)
ARNOLD SCHWARZENEGGER, ET AL.,)
) San Francisco, California
Defendants.) Wednesday
) August 19, 2009
) 10:02 a.m.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiffs: Gibson, Dunn & Crutcher
333 South Grand Avenue
Los Angeles, California 90071-3197
BY: CHRISTOPHER D. DUSSEAUT, ESQ.
THEANE E. KAPUR, ESQ.
THEODORE J. BOUTROUS, JR., ESQ.
and
Gibson, Dunn & Crutcher
555 Mission Street
Suite 3000
San Francisco, California 94105-2933
BY: ENRIQUE A. MONAGAS, ESQ.
and
Gibson, Dunn & Crutcher
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
BY: THEODORE B. OLSON, ESQ.
MATTHEW D. MCGILL, ESQ.

Reported By: Belle Ball, CSR 8785, RMR, CRR
Official Reporter, U.S. District Court

(Appearances continued, next page)

APPEARANCES, CONTINUED:

Also For Plaintiffs: BOIES, SCHILLER & FLEXNER
333 Main Street
Armonk, New York 10504
BY: DAVID BOIES, ESQ.
JEREMY M. GOLDMAN, ESQ.
THEODORE H. UNO, ESQ.

For Defendants Schwarzenegger, Scott and Horton:
Mennemeier, Glassman & Stroud
980 9th Street
Suite 1700
Sacramento, California 95814
BY: KENNETH C. MENNEMEIER, ESQ.

For Defendant Attorney General Edmund G. Brown, Jr.:
California Department of Justice
Office of the Attorney General
1300 I Street
17th Floor
SACRAMENTO, CALIFORNIA 95814
BY: GORDON B. BURNS
Deputy Solicitor General
and
California Department of Justice
455 Golden Gate Avenue
Suite 11000
San Francisco, California 94102
BY: TAMAR PACHTER, ESQ.

For Defendant Logan:

Office of the County Counsel
County of Los Angeles
500 West Temple Street
Room 652
Los Angeles, California 90012
BY: JUDY W. WHITEHURST
Principal Deputy County Counsel

(Appearances continued, next page)

APPEARANCES, CONTINUED:

For Defendant Patrick O'Connell:

Office of County Counsel
County of Alameda
1221 Oak Street
Suite 450
Oakland, California 94612
BY: CLAUDE F. KOLM
LINDSEY STERN
Deputy County Counsel

For Proposed Intervenor Plaintiffs Our Family Coalition,
Lavender Seniors of East Bay, and PFLAG:

American Civil Liberties
Union Foundation
125 Broad Street
18th Floor
New York City, New York 10004-2400
BY: JAMES D. ESSEKS, ESQ.
and
American Civil Liberties Union
Foundation of Northern California
39 Drumm Street
San Francisco, California 94111
BY: ELIZABETH GILL, ESQ.
and
Lambda Legal
3325 Wilshire Boulevard
Suite 1300
Los Angeles, California 90010
BY: JENNIFER C. PIZER, ESQ.
and
National Center for Lesbian Rights
870 Market Street
Suite 370
San Francisco, California 94102
BY: SHANNON PRICE MINTER, ESQ.
CHRISTOPHER STOLL, ESQ.

(Appearances continued, next page)

APPEARANCES, CONTINUED:

For Proposed Intervenor Defendant Campaign for California Families:

Liberty Counsel
Post Office Box 11108
Lynchburg, Virginia 24506
BY: RENA M. LINDEVALDSEN, ESQ.

For Intervenor Defendants:

Cooper & Kirk
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
BY: CHARLES J. COOPER, ESQ.
DAVID H. THOMPSON, ESQ.

For Intervenor Defendants:

Alliance Defense Fund
15100 North 90th Street
Scottsdale, Arizona 85260
BY: BRIAN W. RAUM, ESQ.
JAMES A. CAMPBELL, ESQ.

For City and County of San Francisco:

City and County of San Francisco
Office of the City Attorney
1390 Market Street
Seventh Floor
San Francisco, California 94102
BY: THERESE STEWART, ESQ.
ERIN BERNSTEIN, ESQ.
CHRISTINE VAN AKEN, ESQ.
DENNIS HERRERA, ESQ.

Reported By: Belle Ball, CSR 8785, RMR, CRR
Official Reporter, U.S. District Court

1 which the -- and it is unclear at this point the degree to
2 which the State Defendants may seek to defend these alleged
3 governmental interests, San Francisco's motion for permissive
4 intervention under Rule 24(b) will be granted.

5 And I would suggest, unless any of the parties
6 object, that any answer or otherwise -- any answer or
7 responsive pleading to the complaint and intervention by the
8 City and County of San Francisco be answered in ten days.

9 Is that possible, Mr. Cooper, on your side?

10 **MR. COOPER:** It is, indeed, Your Honor.

11 **THE COURT:** Very well. Now, let's turn to case
12 management. And first of all, I want to commend the parties,
13 and particularly Mr. Olson and Mr. Cooper. You have obviously
14 taken to heart the discussion that we had here last month, and
15 the order that was issued in the wake of the earlier case
management statements.

17 I thought that the specification of issues that the
18 Plaintiffs proposed and the responses by the Intervenor
19 Defendants was very helpful, very helpful indeed, in narrowing
20 the issues, and defining what it is that is before us, in terms
21 of how we are going to develop the record in this case.

22 Obviously, not every one of these facts is agreed to
23 by the Intervenors, but a number of them were. And, quite
24 understandable that in some instances Mr. Cooper might have a
25 little different verbal formulation of some of them.

1 But nonetheless, I think we have made and you have
2 made some very considerable progress in shaping up the issues
3 so that we can proceed to a prompt determination of the cause
4 that is before the Court.

5 Now, before telling you what schedule I have in mind,
6 I gather, Mr. Cooper, at some point or other, it would be your
7 intent to file a motion for judgment on the pleadings as to
8 some -- perhaps more than some issues. Perhaps quite a number
9 of issues. Is that a fair reading?

10 **MR. COOPER:** That is, Your Honor, yes, sir. We -- we
11 believe that there are several issues on which -- on which this
12 Court's not free to depart from binding precedent in the Ninth
13 Circuit. And that -- and that if we are right on that, it
14 would significantly skinny down the -- now the discovery
15 burdens that will face the Plaintiffs and the Defendant
16 Intervenors as we go forward.

17 We may not be right, but we -- we would certainly --
18 we believe we are, and we would like an initial opportunity to
19 present those arguments to the Court.

20 **THE COURT:** I'm inclined to think that while we
21 should, in view of your position, schedule a dispositive motion
22 schedule with a hearing date, that at least some of the basic
23 discovery in the case can and should go forward very promptly.

24 I assume you want to take the depositions of the
25 Plaintiffs. And, Mr. Olson has indicated that he has some

1 depositions in mind of your folks. And, seems to me we can get
2 those depositions out of the way very quickly. And, should do
3 so.

4 What's your reaction to that?

5 **MR. COOPER:** Your Honor, I don't quarrel with that
6 proposition.

7 I will say that some of the things that Mr. Olson
8 would like to inquire into of my clients -- the official
9 Proposition 8 proponents -- going to voter motivation are
10 issues that we earnestly believe are not fit and appropriate
11 for judicial inquiry, and that in fact, would raise the gravest
12 possible First-Amendment issues.

13 And we -- we have cited to the Court a case called
14 Sasso (Phonetic), but we would like an opportunity to fully
15 brief that proposition before we get off in the direction of
16 taking depositions of our clients and subpoenaeing their
17 e-mails and the rest of it, going to their internal campaign
18 strategies and the rest of it.

19 **THE COURT:** Disagreements as to the scope of
20 discovery are not unusual.

21 **MR. COOPER:** No, Your Honor, they're not. But
22 discovery that at least we believe we would be privileged
23 against on a constitutional basis are pretty unusual.

24 And we think this is a -- this, at least as we
25 understand their intentions, would be unprecedented insofar as

1 we have been able to tell. We have not been able to find a
2 single case where this kind of discovery was taken of the
3 proponents of a referendum measure in this state or in any
4 other.

5 And, so we think it's gravely serious issue, Your
6 Honor. We would urge the Court to give us an opportunity to
7 fight this out in briefing to the Court before we get down that
8 road.

9 And if we do go down that road, obviously we will
10 want to take the same kind of deposition testimony, as well as
11 document inquiries of those --

12 **THE COURT:** Who oppose Proposition 8.

13 **MR. COOPER:** Of course, Your Honor.

14 **THE COURT:** All right.

15 **MR. COOPER:** But --

16 **THE COURT:** What, in your view -- without getting too
17 far down the road, in your view, what is the scope of
18 appropriate discovery with reference to the proponents and the
19 opponents of Proposition 8?

20 **MR. COOPER:** That -- and I don't want to get too far
21 in front of myself, because to be quite honest with Your Honor,
22 I'm not sure where that line can safely be drawn as a
23 First-Amendment matter.

24 I do believe that when a judicial inquiry into the
25 intendment and meaning and purpose of a voter referendum is

1 before the Court, that the one clear and certain analysis is to
2 test the conceivable legitimate state interests that it might
3 serve. And if it will serve none, the inference that flows
4 from that is that there was some illegitimate purpose at work.
5 That was the *Romer* case.

6 The *Romer* case concluded, the Court concluded that
7 "We have assessed against the language of the statute, we have
8 assessed against every conceivable purpose offered to us, or
9 that we could think of ourselves," the Court. "And we've
10 assessed it against its various impacts and effects."

11 And --

12 **THE COURT:** What discovery was taken in the *Romer*
13 case on that issue?

14 **MR. COOPER:** Your Honor, the interesting thing, I
15 understand there was a trial in this case. I don't understand
16 there was any discovery taken into the --

17 **THE COURT:** Well, that's refreshing, a trial without
18 discovery. That's like the old days.

19 **MR. COOPER:** Well, actually, there was discovery, but
20 it -- but there was no discovery taken into -- that we've been
21 able to find, in that case or any other, into the subjective
22 motivations of the voters, which -- or into the subjective
23 motivation presumably of their proxies, those that organized
24 the referendum effort, and those who organized and provided the
25 strategy for the campaign for the referendum, itself. We

1 haven't been able to find any evidence that a party was allowed
2 to make inquiry into those things.

3 And, think of what that might mean. How could
4 proposition proponents, future proposition proponents, not be
5 chilled in the exercise of their First-Amendment rights as they
6 sought to bring forward for consideration by the people these
7 types of propositions. So, Your Honor, we think that that's
8 off the table.

9 Clearly, the kind of inquiry that *Romer* engaged in is
10 plenty on the table. I think it is going to be hard for me
11 probably to convince myself, let alone you, that -- that the
12 types of public statements, official campaign literature,
13 certainly the official ballot information and brochures that
14 have the imprimatur of the state, and go to every voter, those
15 things are, it would appear, legitimate sources of information
16 about the purposes of the referendum.

17 But again, Your Honor, the -- the inquiries that we
18 think neither side should be allowed to take of the other are
19 those that go to -- and we believe would encroach and gravely
20 threaten First-Amendment freedoms.

21 **THE COURT:** Mr. Olson, what are your views on this
22 subject?

23 **MR. OLSON:** I would like to have my colleague,
24 Mr. Boies, address the case management issues.

25 **THE COURT:** All right. Mr. Boies? You've taken a

1 lot of discovery in your life.

2 **MR. BOIES:** I have, Your Honor. And one of the
3 things that I think it underscores is what the Court said,
4 which is that discovery disputes are not uncommon, and that
5 they ordinarily are worked out in the course of discovery.

6 I think the very issue that Mr. Cooper candidly
7 addresses, which is the difficulty of finding exactly where
8 that line is, is something that experiences counsel can try to
9 work out among themselves, and if there's a problem, bring to
10 the Court.

11 I frankly do not believe that we will have a problem,
12 at least at the initial stages of the discovery, in limiting
13 discovery in a way that does not impermissibly infringe on any
14 First-Amendment issues. I think --

15 **THE COURT:** But I gather that you are planning some
16 discovery of the proponents.

17 **MR. BOIES:** Yes, Your Honor. And for example, I
18 think Mr. Cooper's exactly right, that there is some stuff that
19 is clearly on the table; there's some stuff that I think is
20 probably not on the table unless we were to make a showing that
21 we have not yet made; and then there's a number of things that
22 are in the middle.

23 I think that in terms of their official statements,
24 the statements that were made publicly, none of those, I think,
25 are something that can be plausibly argued should not be

1 subject to discovery. Certainly, there are subjective,
2 unexpressed motivations. Those things I think we would not be
3 inquiring into, because we do not believe that those would
4 actually go to the issues that we are presenting to the Court.

5 So, I think that if there is a -- if there's a gray
6 area, there will be some objectively-stated assertions,
7 propositions, that may be encompassed in documents and the like
8 that may or may not have become public, and there may be some
9 issue as to what it means to say something has become public.
10 How broad does have it to be distributed in order to be
11 classified as public?

12 Those are all the kinds of gray-area discovery
13 decisions that we will make along the way. And I don't think
14 that any of those ought to hold up the commencement of
15 discovery, because no matter whose view you take, and -- and it
16 may be that we're not even in disagreement as to where the line
17 will ultimately be drawn, we are in agreement that there are
18 many areas that are going to be subject to discovery.

19 And if we are going to get this process going, and
20 really achieve what I know the Court's objective is and what
21 all of our objective is, which is a prompt resolution of this,
22 I think we need to get started. And I think that we can get
23 started on fact discovery, we can get started in preparing
24 expert reports now.

25 That doesn't mean that you can't have dispositive

1 motions. But what it means is that we don't have to delay the
2 commencement of the work towards trial until we go through the
3 dispositive motions.

4 **THE COURT:** Well, with that in mind, let me discuss
5 with you and Mr. Cooper a schedule that I have in mind, based
6 upon what lies before me in the next several months.

7 And, that would be that we commence discovery in this
8 case today. That by the 2nd of October, experts, expert
9 witnesses, opinion witnesses, will be designated. We will have
10 a close of discovery by November 30, except for rebuttal
11 witnesses, which will be designated at that time, rebuttal
12 expert witnesses.

13 We will have a pretrial conference on the 17th of
14 December, a close of rebuttal expert recovery on the 31st of
15 December, and a trial beginning January 11.

16 Is that --

17 **MR. BOIES:** Your Honor, I think that is easily
18 doable.

19 **THE COURT:** Good. Mr. Cooper?

20 **MR. COOPER:** Your Honor, I wasn't able, honestly, to
21 get all of that down, but --

22 **THE COURT:** Well, let's go through it again.

23 **MR. COOPER:** Yeah, thank you.

24 **THE COURT:** Close of all discovery except expert
25 rebuttal discovery, November 30. Designation of experts,

1 October 2. Pretrial conference, December 17. We will have to
2 pick a time. The Clerk will remind me, that's a Wednesday, I
3 believe. Is it not?

4 **THE CLERK:** December 17, Your Honor?

5 **THE COURT:** No, it's a Thursday.

6 **THE CLERK:** That's a Thursday.

7 **THE COURT:** Maybe we ought to --

8 **THE CLERK:** Move it up to 16?

9 **THE COURT:** Why don't we make that the 16th. That is
10 a Wednesday, I believe.

11 **THE CLERK:** It is a Wednesday, Your Honor.

12 **THE COURT:** And what does the calendar look like on
13 the 16th?

14 (Off-the-Record discussion)

15 **THE COURT:** Well, we're in trial on the 16th. Let's
16 set it for the 16th, in any event. I may be in trial that
17 week, but we can work around that in some fashion.

18 And in any event, in any event, if you have to wait
19 and listen to the evidence in that case, it is an interesting
20 case.

21 **MR. COOPER:** Well, that's a relief, Your Honor.

22 **THE COURT:** All right.

23 **MR. COOPER:** Your Honor, this schedule, while a
24 bit -- a bit more relaxed than the one which the Plaintiffs
25 initially offered, is quite an aggressive schedule. I don't

1 think it's impossible. I think it is something we may be able
2 to cope with.

3 I am mainly concerned, frankly, about the expert
4 witness and expert discovery element of this. And in all
5 candor, Your Honor, we -- we have been in a reactive profile,
6 of course, as -- as is typical of Defendants, especially
7 Defendant Intervenors.

8 And so, it isn't -- it hasn't been, honestly, until
9 we received the supplemental case management papers from
10 Plaintiffs, which were, as you say, very -- very helpful, that
11 we became clear on -- on exactly where the Plaintiffs were
12 going, and -- and came to our own resolves, that okay, we are
13 going to now need to really hurry up and line up expert
14 analysis -- experts, in order to help us analyze some subject
15 matters that we weren't altogether clear we were going to be
16 involved with.

17 And so the truth is, we haven't done the hundreds and
18 hundreds of hours or had a chance to do the hundreds and
19 hundreds of hours that the City of San Francisco, in their
20 papers, indicated it took them to identify potential experts,
21 interview those experts, assess their backgrounds, and all the
22 things that you know, as a litigator, one has to do before one
23 commits oneself to designating an expert.

24 But with all that having been said, Your Honor, I
25 have -- I -- we will commit all the resources that we have

1 available to us to comply with this schedule, with the hope
2 that the Court will keep an open mind as this thing unfolds.

3 **THE COURT:** Well, I do remember what it is like to
4 practice law, so --

5 **MR. COOPER:** Yes, Your Honor.

6 **THE COURT:** But I think if I were to set anything
7 other than an ambitious schedule, why, this case might
8 metastasize into something that would be un- --

9 **MR. COOPER:** I don't think so with these guys, but --
10 I might also add, I very much welcome Mr. Boies's
11 clarification, perhaps, of some of the points that were made in
12 their supplemental case management order, in terms of what they
13 intended to inquire of the proponents.

14 And with the comments that he's made, which I accept,
15 it may well be possible --

16 **THE COURT:** I suspect most of these issues, you will
17 be able to work out between yourselves. But, I'm prepared to
18 rule on any discovery disputes that you have, to do so
19 informally. I commend to you our local rules with respect to
20 how those are handled, on the telephone or a short letter.

21 And in the event you have a dispute and I'm
22 unavailable, I'm going to appoint Magistrate Judge Spero to
23 handle any of those discovery disputes, so that you get a very
24 prompt resolution. And so the discovery can move on and not be
25 impeded by having to wait for some kind of a decision on a

1 discovery dispute.

2 So, I'm sure you will have some disputes on
3 discovery, but probably less than in the hands -- in
4 less-capable hands would arise.

5 **MR. COOPER:** Very well, Your Honor. Thank you.

6 **THE COURT:** All right? Now. I have not built in a
7 dispositive motion hearing date. The date that I had in mind
8 for that -- and Mr. Cooper, this is probably of more interest
9 to you than it is to the Plaintiffs, although the Plaintiffs
10 may have some issues that they want to bring forward by a
11 motion -- I was thinking about October 14th.

12 I don't know whether that's too soon, or whether that
13 date works on your calendars, but we can build in that date.

14 **MR. BOIES:** We can do that, Your Honor.

15 **THE COURT:** Mr. Cooper?

16 **MR. COOPER:** Your Honor, that should work fine.

17 **THE COURT:** All right. Fine. Now, what else do we
18 have to do this morning?

19 **MR. BOIES:** I don't think anything, from our
20 standpoint, Your Honor.

21 **THE COURT:** Mr. Cooper?

22 **MR. COOPER:** We have no further business, Your Honor.

23 **THE COURT:** Very well. Mr. Mennemeier, anything
24 further on behalf of the Governor?

25 **MR. MENNEMEIER:** Nothing, Your Honor. Thank you.

1 COOPER AND KIRK, PLLC
 2 Charles J. Cooper (DC Bar No. 248070)*
 3 *ccooper@cooperkirk.com*
 4 David H. Thompson (DC Bar No. 450503)*
 5 *dthompson@cooperkirk.com*
 6 Howard C. Nielson, Jr. (DC Bar No. 473018)*
 7 *hnielson@cooperkirk.com*
 8 Peter A. Patterson (Ohio Bar No. 0080840)*
 9 *ppatterson@cooperkirk.com*
 10 1523 New Hampshire Ave. N.W., Washington, D.C. 20036
 11 Telephone: (202) 220-9600, Facsimile: (202) 220-9601

12 LAW OFFICES OF ANDREW P. PUGNO
 13 Andrew P. Pugno (CA Bar No. 206587)
 14 *andrew@pugnolaw.com*
 15 101 Parkshore Drive, Suite 100, Folsom, California 95630
 16 Telephone: (916) 608-3065, Facsimile: (916) 608-3066

17 ALLIANCE DEFENSE FUND
 18 Brian W. Raum (NY Bar No. 2856102)*
 19 *braum@telladf.org*
 20 James A. Campbell (OH Bar No. 0081501)*
 21 *jcampbell@telladf.org*
 22 15100 North 90th Street, Scottsdale, Arizona 85260
 23 Telephone: (480) 444-0020, Facsimile: (480) 444-0028

24 ATTORNEYS FOR DEFENDANT-INTERVENOR DENNIS HOLLINGSWORTH,
 25 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
 26 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A
 27 PROJECT OF CALIFORNIA RENEWAL

28 * Admitted *pro hac vice*

19
 20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**

22 KRISTIN M. PERRY, SANDRA B. STIER,
 23 PAUL T. KATAMI, and JEFFREY J.
 24 ZARRILLO,

25 Plaintiffs,

26 v.

27 ARNOLD SCHWARZENEGGER, in his official
 28 capacity as Governor of California; EDMUND
 G. BROWN, JR., in his official capacity as
 Attorney General of California; MARK B.
 HORTON, in his official capacity as Director of
 the California Department of Public Health and
 State Registrar of Vital Statistics; LINETTE
 SCOTT, in her official capacity as Deputy
 Director of Health Information & Strategic

CASE NO. 09-CV-2292 VRW

DEFENDANTS-INTERVENORS
 PROPOSITION 8 PROPONENTS AND
 PROJECTMARRIAGE.COM'S
 SUPPLEMENTAL CASE
 MANAGEMENT STATEMENT

Date: August 19, 2009
 Time: 10:00 a.m.
 Judge: Chief Judge Vaughn R. Walker
 Location: Courtroom 6, 17th Floor

Planning for the California Department of Public Health; PATRICK O'CONNELL, in his official capacity as Clerk-Recorder for the County of Alameda; and DEAN C. LOGAN, in his official capacity as Registrar-Recorder/County Clerk for the County of Los Angeles,

Defendants,

and

PROPOSITION 8 OFFICIAL PROPONENTS
DENNIS HOLLINGSWORTH, GAIL J.
KNIGHT, MARTIN F. GUTIERREZ, HAK-
SHING WILLIAM TAM, and MARK A.
JANSSON; and PROTECTMARRIAGE.COM –
YES ON 8, A PROJECT OF CALIFORNIA
RENEWAL,

Defendant-Intervenors.

Additional Counsel for Defendant-Intervenors

ALLIANCE DEFENSE FUND

Timothy Chandler (CA Bar No. 234325)

tchandler@telladf.org

101 Parkshore Drive, Suite 100, Folsom, California 95630

Telephone: (916) 932-2850, Facsimile: (916) 932-2851

Jordan W. Lorence (DC Bar No. 385022)*

jlorence@telladf.org

Austin R. Nimocks (TX Bar No. 24002695)*

animocks@telladf.org

801 G Street NW, Suite 509, Washington, D.C. 20001

Telephone: (202) 393-8690, Facsimile: (202) 347-3622

* Admitted *pro hac vice*

1 In accordance with the Court's August 12, 2009 Order, *see* Doc. # 141, the Defendants-
 2 Intervenors ("Proposition 8 Proponents" or "Proponents") respectfully submit this supplemental
 3 case management statement. The Court has ordered all parties to provide responses to the
 4 following questions:

5 1. **The specific elements of the claims plaintiffs assert and the defenses, if any,**
 6 **intervenors contend apply.**

7 Plaintiffs assert claims grounded in the Due Process and Equal Protection Clauses of the
 8 Fourteenth Amendment. These claims are foreclosed by the Supreme Court's decision in *Baker v.*
 9 *Nelson*, 409 U.S. 810 (1972). *Baker* notwithstanding, Plaintiffs' claims fail for the following
 10 reasons.¹

11 a. **Fundamental liberty interest under the Due Process Clause**

12 To establish a fundamental liberty interest protected by the Due Process Clause, Plaintiffs
 13 must offer a "careful description" of their asserted interest and show that it is "objectively, deeply
 14 rooted in this nation's history and tradition." *Washington v. Glucksberg*, 521 U.S. 702, 720-21
 15 (1997) (quotation marks omitted).

16 Carefully described, Plaintiffs assert a fundamental liberty interest in extending the civil
 17 status of "marriage" to same-sex relationships. This asserted interest is not objectively, deeply
 18 rooted in this nation's history and tradition. As for plaintiffs' claims that Proposition 8 infringes
 19 upon their sexual autonomy, Proposition 8 does not criminalize or in any way punish private
 20 sexual behavior, and thus it does not implicate the liberty interest identified in *Lawrence v. Texas*,
 21 539 U.S. 558 (2003). Significantly, both the majority opinion and the separate concurrence of
 22 Justice O'Connor in *Lawrence* made clear that the liberty interest upheld in that case did not entail
 23 a right to same-sex marriage. *See id.* at 578 (majority); *id.* at 585 (O'Connor, J., concurring in
 24
 25
 26
 27
 28

¹ Proponents do not dispute that in implementing and enforcing Proposition 8, Defendants have acted under the color of state law. But Proponents do not concede that Plaintiffs have
 (Continued)

1 judgment).

2 **b. Standard of review under the Equal Protection Clause for sexual orientation**
 3 **discrimination**

4 Plaintiffs claim that discrimination based on sexual orientation should be subject to
 5 heightened scrutiny under the Equal Protection Clause. This claim must be rejected under binding
 6 Ninth Circuit precedent. *See High Tech Gays v. Defense Indus. Sec. Clearance Office*, 895 F.2d
 7 563, 574 (9th Cir. 1990); *see also See Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130,
 8 1137 (9th Cir. 2003); *Holmes v. California Army Nat'l Guard*, 124 F.3d 1126, 1132 (9th Cir.
 9 1997); *Philips v. Perry*, 106 F.3d 1420, 1425 (9th Cir. 1997). Every other federal circuit that has
 10 considered the matter has reached the same conclusion. *See Cook v. Gates*, 528 F.3d 42, 61 (1st
 11 Cir. 2008); *Veney v. Wyche*, 293 F.3d 726, 731-32 (4th Cir. 2002); *Johnson v. Johnson*, 385 F.3d
 12 503, 532 (5th Cir. 2004); *Scarborough v. Morgan County Bd. of Educ.*, 470 F.3d 250, 261 (6th Cir.
 13 2006); *Ben-Shalom v. Marsh*, 881 F.2d 454, 464 (7th Cir. 1989); *Citizens for Equal Prot. v.*
 14 *Bruning*, 455 F.3d 859, 866 (8th Cir. 2006); *Rich v. Sec'y of the Army*, 735 F.2d 1220, 1229 (10th
 15 Cir. 1984); *Lofton v. Sec'y of Dep't of Children and Family Servs.*, 358 F.3d 804, 818 (11th Cir.
 16 2004); *Steffan v. Perry*, 41 F.3d 677, 684 n.3 (D.C. Cir. 1994); *Woodward v. United States*, 871
 17 F.2d 1068, 1076 (Fed. Cir. 1989).

18 If the court nevertheless determines that this is an open question, Plaintiffs' claim fails
 19 nonetheless for several independent reasons.

20 **i. Whether Proposition 8 discriminates on the basis of sexual orientation**

21 At the outset, Plaintiffs must show that Proposition 8 discriminates on the basis of sexual
 22 orientation. *See Aleman v. Glickman*, 217 F.3d 1191, 1195 (9th Cir. 2000) (“In resolving [an]
 23 equal protection challenge, we must first determine what classification has been created by the
 24 [challenged] provision.”).

25 (Cont'd)

26 satisfied the other elements of their claims that Plaintiffs' have identified.

1 Plaintiffs cannot make this showing. Proposition 8, by limiting civil marriage to the union
 2 of a man and a woman, does not classify individuals on the basis of their sexual orientation.

3 **ii. Whether same-sex and opposite-sex couples are similarly situated for**
purposes of civil marriage recognition

4
 5 Plaintiffs must demonstrate that same-sex couples and opposite-sex couples are similarly
 6 situated with respect to marriage. *See Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992); *Rostker v.*
 7 *Goldberg*, 453 U.S. 57, 79 (1981).

8 Plaintiffs cannot make this threshold showing. Marriage has always been limited to
 9 opposite sex relationships because of the naturally procreative nature of the male-female
 10 relationship. Same-sex relationships are different in this relevant respect.

11 **iii. Whether sexual orientation is a suspect or quasi-suspect classification**

12
 13 As we have explained, rational basis scrutiny applies to laws that classify on the basis of
 14 sexual orientation as a matter of binding precedent and is therefore not an open question.
 15 Heightened scrutiny, moreover, is reserved for classifications affecting groups that require
 16 extraordinary protection from the political process. *See, e.g., United States v. Carolene Products*,
 17 304 U.S. 144, 152 n.4 (1938). To demonstrate that they require this “extraordinary protection,”
 18 Plaintiffs must show, among other things, that gays and lesbians (1) are “politically powerless,”
 19 *see, e.g., Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 445 (1985); and (2) are defined by an
 20 “immutable” characteristic, *see, e.g. Frontiero v. Richardson*, 411 U.S. 677, 686 (1973)
 21 (plurality). *See also High Tech Gays*, 895 F.2d at 573.

22
 23 Plaintiffs cannot show that gays and lesbians meet the requirements for receiving
 24 heightened equal protection scrutiny.

25 **c. Sex Discrimination**

26 To demonstrate that Proposition 8 merits heightened scrutiny as a sex-based classification,
 27 Plaintiffs must show that it classifies on the basis of sex. *See Aleman*, 217 F.3d at 1195.

1 Plaintiffs cannot make this showing, as the overwhelming weight of authority, including
 2 every federal court to have addressed this issue, establishes that the traditional definition of
 3 marriage does not classify on the basis of sex.

4 **d. Rational basis review**

5 Because Proposition 8 is not, as a matter of law, subject to heightened review under the
 6 Due Process Clause or the Equal Protection Clause, it is constitutional if it passes rational basis
 7 review. Under this standard, Proposition 8 is presumed to be constitutional and Plaintiffs bear the
 8 burden “to negative any reasonably conceivable state of facts that could provide a rational basis”
 9 for the law. *Bd. of Trs. of the University of Alabama v. Garrett*, 531 U.S. 356, 367 (2001)
 10 (quotation marks omitted).

11 Plaintiffs cannot meet this standard, as Proposition 8 is rationally related to several
 12 legitimate government interests, including, among others:

- 13 • Preserving the traditional definition of marriage as the union of a man and a woman.
- 14 • Promoting the formation of naturally procreative unions.
- 15 • Promoting stability and responsible behavior in naturally procreative relationships.
- 16 • Promoting enduring and stable family structures for the responsible raising and care of
 17 children by their biological parents.
- 18 • Promoting the natural and mutually beneficial bond between parents and their biological
 19 children by encouraging parents to raise their biological children.
- 20 • Acting incrementally and with caution when considering radical change to the fundamental
 21 nature of a bedrock social institution.

22 **e. Heightened review**

23 In the alternative, if the Court determines that either strict or intermediate scrutiny applies,
 24 the burden shifts to the defenders of Proposition 8. To satisfy the strict scrutiny standard, a law
 25

1 must be “narrowly tailored to serve a compelling state interest.” *Glucksberg*, 521 U.S. at 721
 2 (quotation marks omitted). A law satisfies the intermediate scrutiny standard when it is
 3 “substantially related” to an “important” government interest. *United States v. Virginia*, 518 U.S.
 4 515, 533 (1996) (quotation marks omitted).

5 If necessary, the Proponents will show that Proposition 8 meets these standards.

6 **f. Affirmative defenses**

7 The Proponents continue to maintain the affirmative defenses that (1) Plaintiffs have failed
 8 to state a claim upon which relief can be granted; and (2) neither the challenged provision nor
 9 Defendants have deprived Plaintiffs of any right or privilege guaranteed by the United States
 10 Constitution.

11 These defenses will rise or fall with our legal arguments in response to Plaintiffs’ claims.

12 **2. Admissions and stipulations that Proponents are prepared to enter with respect to**
the forgoing elements and applicable defenses at issue

13 Proponents’ response to the stipulations proposed by the Plaintiffs are attached as Exhibit
 14 B. In addition, Proponents now propose additional stipulations that Proponents are prepared to
 15 enter, which are attached as Exhibit A. The parties are unlikely to agree whether or not these
 16 stipulations, if entered, suffice to resolve any of the elements identified above.

17 **3. Proponents’ discovery plans**

18 Set forth below are Proponents’ current intentions with respect to discovery. We wish to
 19 emphasize that our thinking continues to evolve on these subjects, especially as Plaintiffs’ trial
 20 and discovery strategy emerges, and we may pursue additional lines of discovery or decide not to
 21 pursue issues identified below. Of course, we may also take discovery of plaintiffs.

1 a. **Level of scrutiny relevant to Plaintiffs' claims**2 i. **The history of discrimination against gays and lesbians**

3 Depending upon the nature of the evidence adduced by Plaintiffs on this issue, the
 4 Proposition 8 Proponents may present evidence (including expert opinion) on the discrimination
 5 that gays and lesbians have experienced in the past. Also, we plan to present evidence
 6 demonstrating that such discrimination has decreased significantly in recent years, both in
 7 governmental and non-governmental contexts. We do not anticipate fact discovery on this issue.

9 ii. **Whether the characteristics defining gays and lesbians as a class might
 10 in any way affect their ability to contribute to society**

11 Because of their natural and spontaneous ability to create children, opposite-sex
 12 relationships have a different impact on society, for good and for ill, than same-sex relationships.
 13 We do not dispute that, with the exception of certain matters relating to procreation, the ability of
 14 individuals to contribute to society is not affected by the fact that they are gay or lesbian.
 15 Plaintiffs, however, have not agreed to resolve this issue by stipulation. The nature of the
 16 evidence presented by Plaintiffs may therefore make it necessary for the Proposition 8 Proponents
 17 to present evidence on this matter as well. We do not anticipate fact discovery on this issue.

19 iii. **Immutability**

20 The Ninth Circuit has held that homosexuality is not an immutable characteristic. To the
 21 extent the Court nonetheless desires to receive evidence on this matter, we will dispute Plaintiffs'
 22 claim that homosexuality is immutable. The precise contours of our argument will depend upon
 23 the definition of sexual orientation adopted by the Court, but we plan to present evidence in the
 24 form of references to scientific and other scholarly literature, and if Plaintiffs seek to introduce
 25 expert opinion on this issue, we may do so as well.

27 We will also develop evidence that homosexuality is not immutable by analyzing marriage
 28 and domestic partnership records from California. We will obtain this data by issuing subpoenas

1 to government agencies that maintain these records. In California, we understand that the Office
 2 of Vital Records, a branch of the Department of Public Health, maintains statewide marriage
 3 records and that the Secretary of State's Office maintains statewide domestic partnership records.
 4

5 From the domestic partnership records, we will compile a list of all the individuals in
 6 California who have entered a same-sex domestic partnership. We will then cross-reference these
 7 names with the marriage records to identify individuals who were previously or subsequently married
 8 to a member of the opposite sex. We may also obtain additional data by issuing subpoenas to
 9 relevant government agencies in other states that recognize same-sex relationships.

10 **iv. The relative political power of gays and lesbians**

11 We will present evidence that gays and lesbians wield substantial political power. Many
 12 underlying facts relevant to gauging the political power of gays and lesbians are not subject to
 13 dispute as reflected in the detailed stipulations we have drafted on this issue. Those stipulations
 14 cover the extensive legal rights that gays and lesbians have attained under state and local law in
 15 California. The stipulations also cover the gay and lesbian community's success in blocking state
 16 laws that were perceived as adverse to its interests. In addition to this undisputed evidence
 17 supporting our proposed stipulations, if Plaintiffs seek to introduce expert evidence on this
 18 subject, we may do so as well.

19 We do not anticipate any fact discovery on this issue.

20 **b. The campaign by which Proposition 8 was adopted**

21 The Proposition 8 Proponents believe that the subjective motivations of voters and other
 22 political participants for supporting Proposition 8 are both legally irrelevant and are protected
 23 from discovery by the First Amendment. It is therefore inappropriate to inquire into such matters.
 24 The Court should ascertain the Proposition's purpose by reference to the text of the law and its
 25 necessary legal implications. If it is appropriate to consider any other evidence, the Court should
 26
 27
 28

1 limit its inquiry to objective matters such as official statements and information presented to the
2 voters. Nevertheless, if Plaintiffs are permitted to take discovery into the subjective motivations
3 and strategies of Proponents and other supporters of Proposition 8, then we will likewise take
4 extensive fact discovery into the motivations and strategies of the individuals and organizations
5 that opposed Proposition 8, possibly including the following individuals and groups:
6

- 7 • Courage Campaign
 - 8 ○ Founder and Chair: Rick Jacobs
 - 9 ○ Chief Operating Officer: Sarah Callahan
 - 10 ○ Advertising/Media Director: Billy Pollina
- 11 • No on 8: Equality for All
 - 12 ○ Treasurer: Steven Mele, West Hollywood, CA
 - 13 ○ Other Principal Officers (as listed on Statement of Organization):
 - 14 ■ Heather Carrigan, Los Angeles, CA, Chief Operating Officer, ACLU of
 - 15 Southern California
 - 16 ■ Oscar De La O, Los Angeles, CA, President and CEO, Bienestar Health
 - 17 Services
 - 18 ■ Sue Dunlop, Los Angeles, CA
 - 19 ■ Michael Fleming, Beverly Hills, CA, Executive Director, David Bohnett
 - 20 Foundation
 - 21 ■ Maya Harris, San Francisco, CA
 - 22 ■ Dan Hawes, Los Angeles, CA, Director of Organizing and Training,
 - 23 National Gay and Lesbian Task Force
 - 24 ■ Dennis Herrera, San Francisco, CA, City Attorney of San Francisco
 - 25 ■ Delores Jacobs, San Diego, CA, CEO, San Diego LGBT Community

1 Center

2

- 3 ▪ Lorri Jean, Los Angeles, CA, CEO, Los Angeles Gay and Lesbian Center
- 4 ▪ Kate Kendall, San Francisco, CA, Executive Director, National Center for
- 5 Lesbian Rights
- 6 ▪ Geoff Kors, Sacramento, CA, Executive Director, Equality California
- 7 ▪ Joyce Newstat, San Francisco, CA
- 8 ▪ Tawal Panyacosit, San Francisco, CA, Director, Asian and Pacific Islander
- 9 Equality in San Francisco
- 10 ▪ Rashad Robinson, Los Angeles, CA
- 11 ▪ Marty Rouse, Washington, DC, National Field Director, Human Rights
- 12 Campaign
- 13 ▪ Kevin Tilden, San Diego, CA

15 o Political Consultants

16

- 17 ▪ Mark Armour, Armour Griffin Media Group
- 18 ▪ Chad Griffin, Armour Griffin Media Group
- 19 ▪ Steve Smith, Dewey Square Group
- 20 ▪ Maggie Linden, Ogilvy Public Relations

21 • Win Marriage Back

22

- 23 o Treasurer: Timothy Hohmeier, San Francisco, CA
- 24 o Assistant Treasurer: Steven Mele, West Hollywood, CA

25 • Human Rights Campaign California Marriage PAC

26

- 27 o Treasurer: James Rinefierd, Washington, DC
- 28 o Assistant Treasurer: Andrea Green, Washington, DC

• No on Proposition 8, Campaign for Marriage Equality

- Treasurer: Bonnie Anderson
- Californians Against Eliminating Basic Rights
 - Treasurer: Daralyn Reed, Ykrea, CA
 - Consultants:
 - Kristina Schake, Los Angeles, CA
 - Chad Griffin, Beverly Hills, CA
- The Field Poll, San Francisco, CA
 - Mark DiCamillo
 - Mervin Field
- Public Policy Institute of California
 - Mark Baldassare, Survey Director
- *Los Angeles Times* Poll
 - Susan Pinkus, Director

c. Character of the rights plaintiffs contend are infringed or violated

Plaintiffs assert a constitutional right to State recognition of same-sex unions as marriages.

This claim is not “objectively, deeply rooted in this Nation’s history and tradition.” As the stipulations referenced above reflect, no state recognized same-sex marriage at the time of the Founding, nor at the time of the ratification of the Fourteenth Amendment, nor at any other time prior to 2003. We do not anticipate factual discovery on this issue. But to the extent Plaintiffs seek to introduce an expert opinion on this issue, we may do so as well.

d. Effect of Proposition 8 upon Plaintiffs and similarly situated individuals

As our proposed stipulations reflect, the parties should be able to agree that California affords to domestic partnerships the same “core set of basic *substantive* legal rights and attributes” afforded to married couples. *Strauss v. Horton*, 46 Cal. 4th 364, 411 (Cal. 2009) (quotation marks

1 omitted, emphases in original).

2 With respect to the effects of same-sex marriage in the non-governmental context, we plan
 3 to take discovery to develop evidence showing substantial equality in non-governmental treatment
 4 of same-sex couples regardless of the label the government affixes to their relationships. We also
 5 plan to take discovery of the state agencies in California and other states that track the number of
 6 couples electing domestic partnerships and the number of couples choosing same sex marriage in
 7 various jurisdictions throughout the country. In California, the Office of Vital Records, a branch
 8 of the Department of Public Health, maintains statewide marriage records and the Secretary of
 9 State's Office maintains statewide domestic partnership records.

10

11 e. **Effect of Proposition 8 on opposite-sex couples and others not in same-sex**
 12 **relationships in California**

13 Although the Proposition 8 Proponents do not at this time know whether, or the precise
 14 effect that, permitting same sex couples to marry would have on traditional marriage, we intend to
 15 inquire into and develop evidence on this issue, by, among other things, seeking records relating
 16 to the formation and dissolution of marriages and domestic partnerships from relevant agencies in
 17 states that recognize same-sex relationships. In California, the Secretary of State's Office
 18 maintains domestic partnership records and domestic partnership dissolution records.

19

20 f. **Other issues pertinent to the parties' claims or defenses**

21 As indicated above, Proposition 8 rationally serves a number of legitimate governmental
 22 interests. At this time, however, we do not plan on requiring fact discovery to develop evidence
 23 related to these interests, with one exception. Proposition 8 promotes the natural and mutually
 24 beneficial bond between parents and their biological children by encouraging parents to raise their
 25 biological children. We plan to develop evidence that many gay and lesbian individuals desire to
 26 have biological rather than adopted or foster children, and that many satisfy these desires with the
 27 assistance of technology or by other means. We will seek discovery of the names of Californians

1 in registered domestic partnerships with the parents listed on birth records from the Department of
2 Health's Office of Vital Records (which maintains birth records) and the Secretary of State's
3 Office (which maintains domestic partnership records). We may also seek discovery from
4 companies and organizations that offer assisted reproductive technology and services to develop
5 evidence on this issue.

6

7 **4. Expert Testimony**

8 Proponents have not finalized the areas as to which they will submit expert evidence
9 testimony. As previously discussed, much of our need for expert testimony will turn upon the
10 nature of the expert testimony plaintiffs offer. In addition to the foregoing discussion, we set forth
11 below our current views on expert testimony that may be necessary:

12

- 13 • If the Court asks for evidence on the immutability of sexual orientation, we will present
14 evidence demonstrating that homosexuality is not immutable. This evidence may include
15 expert evidence. Proponents' experts will have experience in the field of psychology.
- 16 • Proponents may present expert opinion on the nature of discrimination that gays and
17 lesbians experienced in the past.
- 18 • Proponents may present expert evidence on the political power of gays and lesbians. The
19 expert(s) would have substantial knowledge of California's political landscape. Such an
20 expert would be a political consultant or a professor of political science, or both.
- 21 • Proponents may submit an expert opinion that marriage has always been defined as the
22 union of a man and a woman. Proponents' expert would have extensive knowledge of the
23 institution of marriage.
- 24 • Proponents may submit expert opinion that a child's biological parents provide the optimal
25 environment for raising that child. Proponents' expert will have significant experience in
26 psychology, biology, and/or the analysis of family structures.

- 1 • Proponents may present expert evidence demonstrating substantial equality in non-
2 governmental treatment of same-sex couples regardless of the label the government affixes
3 to their relationships. Proponents' expert will have knowledge as to the factors that
4 influence non-governmental views towards same-sex relationships.
- 5 • As noted above, although the Proposition 8 Proponents do not at this time know whether,
6 or the precise effect that, permitting same sex couples to marry would have on traditional
7 marriage, we may present an expert opinion analyzing the data we acquire regarding the
8 formation and dissolution of domestic partnerships, civil unions, and marriages. Our
9 expert would have extensive knowledge about the institution of marriage and may well
10 have a political science background.
- 11 • We may also present an expert opinion analyzing the evidence we discover regarding gay
12 and lesbian individuals' desire to have biological rather than adopted or foster children,
13 and the number of gays and lesbians who satisfy these desires with the assistance of
14 technology or by other means. Proponents' expert will have significant experience in
15 psychology, biology, and/or the analysis of family structures.

18
19 Dated: August 17, 2009

20 COOPER AND KIRK, PLLC
21 ATTORNEYS FOR DEFENDANTS-INTERVENORS
22 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
23 MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
24 MARK A. JANSSON, AND PROTECTMARRIAGE.COM
25 – YES ON 8, A PROJECT OF CALIFORNIA RENEWAL

26
27 By: /s/ Charles J. Cooper
28 Charles J. Cooper

1 GIBSON, DUNN & CRUTCHER LLP
 2 Theodore B. Olson, SBN 38137
 3 *tolson@gibsondunn.com*
 4 Matthew D. McGill, *pro hac vice*
 5 Amir C. Tayrani, SBN 229609
 6 1050 Connecticut Avenue, N.W., Washington, D.C. 20036
 7 Telephone: (202) 955-8668, Facsimile: (202) 467-0539

8 Theodore J. Boutrous, Jr., SBN 132009
 9 *tboutrous@gibsondunn.com*
 10 Christopher D. Dusseault, SBN 177557
 11 Ethan D. Dettmer, SBN 196046
 12 Sarah E. Piepmeier, SBN 227094
 13 Theane Evangelis Kapur, SBN 243570
 14 Enrique A. Monagas, SBN 239087
 15 333 S. Grand Avenue, Los Angeles, California 90071
 16 Telephone: (213) 229-7804, Facsimile: (213) 229-7520

17 BOIES, SCHILLER & FLEXNER LLP
 18 David Boies, *pro hac vice*
 19 *dboies@bsflp.com*
 20 Theodore H. Uno, SBN 248603
 21 333 Main Street, Armonk, New York 10504
 22 Telephone: (914) 749-8200, Facsimile: (914) 749-8300

23 Attorneys for Plaintiffs KRISTIN M. PERRY, SANDRA B. STIER,
 24 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,
 18 PAUL T. KATAMI, and JEFFREY J.
 19 ZARRILLO,

Plaintiffs,

v.

20 ARNOLD SCHWARZENEGGER, in his official
 21 capacity as Governor of California; EDMUND
 22 G. BROWN, JR., in his official capacity as
 23 Attorney General of California; MARK B.
 24 HORTON, in his official capacity as Director of
 25 the California Department of Public Health and
 26 State Registrar of Vital Statistics; LINETTE
 27 SCOTT, in her official capacity as Deputy
 28 Director of Health Information & Strategic
 Planning for the California Department of Public
 Health; PATRICK O'CONNELL, in his official
 capacity as Clerk-Recorder for the County of
 Alameda; and DEAN C. LOGAN, in his official
 capacity as Registrar-Recorder/County Clerk for
 the County of Los Angeles,

Defendants.

CASE NO. 09-CV-2292 VRW

**PLAINTIFFS' SUPPLEMENTAL
 CASE MANAGEMENT STATEMENT**

Date: August 19, 2009
 Time: 10:00 a.m.
 Judge: Chief Judge Walker
 Location: Courtroom 6, 17th Floor

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1 Pursuant to this Court's August 12, 2009 Order, Doc #141, Plaintiffs respectfully submit this
 2 Supplemental Case Management Statement.

3 **I. INTRODUCTION**

4 Plaintiffs are gay and lesbian residents of California who are involved in long-term,
 5 committed relationships with individuals of the same sex and who desire to marry those individuals
 6 to demonstrate publicly their commitment to their partner and to obtain all the benefits that come
 7 with this official recognition of their family relationship. They are now prohibited from doing so as a
 8 direct result of Proposition 8 ("Prop. 8"), a California constitutional amendment prohibiting them
 9 from marrying the person of their choice. Yet, prior to the passage of Prop. 8, the California
 10 Constitution accorded Plaintiffs a constitutional right to marry. Prop. 8 irrationally stripped gay and
 11 lesbian individuals—and no one else—of that state constitutional right, and therefore plainly violates
 12 the federal constitution. *See Romer v. Evans*, 517 U.S. 620, 632 (1996).

13 Prop. 8, however, does not preclude same-sex domestic relationships within California.
 14 Indeed, California permitted approximately 18,000 same-sex couples who married prior to Prop. 8
 15 to remain legally married. Thus, some individuals in California may be married to individuals of the
 16 same sex; yet Plaintiffs and other same-sex couples are denied that fundamental right. Additionally,
 17 California has accorded gay and lesbian individuals the right to enter into domestic partnerships,
 18 which enables them to obtain many of the substantive legal benefits and privileges that California law
 19 provides to individuals who are afforded the right to marry, but denies them access to civil marriage
 20 itself. Thus, while Prop. 8 does not preclude same-sex relationships, it denies gay and lesbian
 21 individuals such as Plaintiffs access to the highly valued and respected institution of civil marriage,
 22 relegating them instead to the lesser-known second-class status of domestic partnership.

23 The United States Supreme Court has long recognized the right to marry as "one of the vital
 24 personal rights essential to the orderly pursuit of happiness by free men," *Loving v. Virginia*, 388
 25 U.S. 1, 12 (1967), and yet Prop. 8 was specifically designed to and does deny gay and lesbian
 26 individuals the fundamental right to marry the person they love. Such restrictions, whether enacted
 27 by legislation or by popular vote, are impermissible under the constitution. Denying same-sex
 28 couples the right to marry does not enhance or protect any legitimate state interest. Granting the right

1 to marry would not damage, inhibit, or impair any rights of individuals who wish to marry persons of
 2 the opposite sex or otherwise impair any legitimate state interest. Prop. 8 is therefore
 3 unconstitutional under any standard of review.

4 **II. ELEMENTS OF PLAINTIFFS' CLAIMS**

5 Plaintiffs assert three claims in this action: (1) violation of the Due Process Clause of the
 6 Fourteenth Amendment; (2) violation of the Equal Protection Clause of the Fourteenth Amendment;
 7 and (3) violation of 42 U.S.C. § 1983. Plaintiffs set forth the elements of those claims below.

8 **A. CLAIM ONE: DUE PROCESS**

9 **1. Prop. 8 Infringes On Plaintiffs' Right To Marry And Fails To Survive 10 Strict Scrutiny**

11 a. Elements:

- 12 (1) The right to marry is a fundamental right, *Loving v. Virginia*,
 388 U.S. 1, 12 (1967);
- 13 (2) Prop. 8 infringes on Plaintiffs' fundamental right to marry; and
- 14 (3) Defendants/Intervenors cannot meet their burden of establishing
 15 that Prop. 8 is narrowly drawn to further a compelling state
 interest. *P.O.P.S. v. Gardner*, 998 F.2d 764, 767-68 (9th Cir.
 1993).

16 **2. Prop. 8 Infringes On Plaintiffs' Right To Marry And Fails To Survive 17 Intermediate Scrutiny**

18 a. Elements:

- 19 (1) The right to marry is a significant liberty interest, *see Witt v.*
Dep't of the Air Force, 527 F.3d 806, 819 (9th Cir. 2008);
- 20 (2) Prop. 8 infringes on Plaintiffs' right to marry; and
- 21 (3) Defendants/Intervenors cannot meet their burden of establishing
 22 that Prop. 8 is substantially related to an important state interest.
See id.

23 **3. Prop. 8 Infringes On Plaintiffs' Right To Marry And Fails To Survive 24 Rational Basis Scrutiny**

25 a. Elements:

- 26 (1) Prop. 8 infringes on Plaintiffs' right to marry; and
- 27 (2) Prop. 8 does not bear a rational relationship to an independent
 28 and legitimate legislative end. *See Romer v. Evans*, 517 U.S.
 620, 632-33 (1996).

1 **4. Prop. 8 Infringes On Plaintiffs' Right To Privacy And Personal Autonomy**
 2 **And Fails To Survive Strict Scrutiny**

3 a. Elements:

4 (1) The right to privacy and personal autonomy is a fundamental
 5 right, *Lawrence v. Texas*, 539 U.S. 558, 578 (2003).

6 (2) Prop. 8 infringes on Plaintiffs' fundamental right to privacy and
 7 personal autonomy; and

8 (3) Defendants/Intervenors cannot meet their burden of establishing
 9 that Prop. 8 is narrowly drawn to further a compelling state
 10 interest. *P.O.P.S.*, 998 F.2d at 767-68.

11 **5. Prop. 8 Infringes On Plaintiffs' Right To Privacy And Personal Autonomy**
 12 **And Fails To Survive Intermediate Scrutiny**

13 a. Elements:

14 (1) The right to privacy and personal autonomy is a significant
 15 liberty interest, *see Witt*, 527 F.3d at 819;

16 (2) Prop. 8 infringes on Plaintiffs' right to privacy and personal
 17 autonomy; and

18 (3) Defendants/Intervenors cannot meet their burden of establishing
 19 that Prop. 8 is substantially related to an important state interest.
 20 *See id.*

21 **6. Prop. 8 Infringes On Plaintiffs' Right To Privacy And Personal Autonomy**
 22 **And Fails To Survive Rational Basis Scrutiny**

23 a. Elements:

24 (1) Prop. 8 infringes on Plaintiffs' right to privacy and personal
 25 autonomy; and

26 (2) Prop. 8 does not bear a rational relationship to an independent
 27 and legitimate legislative end. *See Romer*, 517 U.S. at 632-33.

28 **B. CLAIM TWO: EQUAL PROTECTION**

29 **1. Prop. 8 Discriminates On The Basis Of Sexual Orientation And Fails To**
 30 **Survive Strict Scrutiny**

31 a. Elements:

32 (1) Gay and lesbian individuals are a suspect class;

33 (2) Prop. 8 discriminates against gay and lesbian individuals on the
 34 basis of their sexual orientation; and

35 (3) Defendants/Intervenors cannot meet their burden of establishing
 36 that Prop. 8 is narrowly drawn to further a compelling state
 37 interest. *Palmore v. Sidoti*, 466 U.S. 429, 432-33 (1984).

1 **2. Prop. 8 Discriminates On The Basis Of Sexual Orientation And Fails To**
 2 **Survive Intermediate Scrutiny**

3 a. Elements:

4 (1) Gay and lesbian individuals are a quasi-suspect class;
 5 (2) Prop. 8 discriminates against gay and lesbian individuals on the
 basis of their sexual orientation; and
 6 (3) Defendants/Intervenors cannot meet their burden of establishing
 that Prop. 8 is substantially related to an important state interest.
 7 *United States v. Virginia*, 518 U.S. 515, 524 (1996).

8 **3. Prop. 8 Discriminates On The Basis of Sexual Orientation And Fails To**
 9 **Survive Rational Basis Scrutiny**

10 a. Elements:

11 (1) Prop. 8 discriminates against gay and lesbian individuals on the
 basis of their sexual orientation; and
 12 (2) Prop. 8's classification based on sexual orientation does not
 bear a rational relationship to an independent and legitimate
 13 legislative end. *Romer*, 517 U.S. at 632-33.

14 **4. Prop. 8 Discriminates On The Basis Of Sex And Fails To Survive**
 15 **Intermediate Scrutiny**

16 a. Elements:

17 (1) Prop. 8 discriminates against gay and lesbian individuals on the
 basis of their sex; and
 18 (2) Defendants/Intervenors cannot meet their burden of establishing
 that Prop. 8 is substantially related to an important state interest.
 19 *Virginia*, 518 U.S. at 524.

20 **5. Factors Considered When Determining The Appropriate Level Of**
 21 **Scrutiny To The Extent Not Already Established By Binding Precedent**

22 a. Whether gay and lesbian individuals have been subject to a history of
 discrimination, *Bowen v. Gilliard*, 483 U.S. 587, 602 (1987);
 23 b. Whether gay and lesbian individuals are defined by a characteristic that
 bears no relation to ability to perform or contribute to society, *City of*
 24 *Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 440-41 (1985);
 25 c. Whether gay and lesbian individuals exhibit obviously immutable or
 distinguishing characteristics that define them as a discrete group,
 Bowen, 483 U.S. at 602; and
 26 d. Whether gay and lesbian individuals have been prevented from
 protecting themselves through the political process. *Id.*

1 **C. CLAIM THREE: VIOLATION OF 42 U.S.C. § 1983**2 **1. Enforcement Of Prop. 8 Violates 42 U.S.C. § 1983**

3 a. Elements:

4 (1) Defendants are acting under color of state law;

5 (2) Prop. 8 violates Plaintiffs' rights under the Due Process or
6 Equal Protection Clause of the Fourteenth Amendment; and

7 (3) Defendants are depriving Plaintiffs of their rights, privileges,
8 or immunities secured by the Constitution and laws of the
United States.

9 **III. DEFENDANTS' AND INTERVENORS' DEFENSES**

10 Two of the six Defendants, as well as Intervenors, purport to raise affirmative defenses in
11 their Answers. Doc #9, 41, 42. As part of the meet-and-confer process,¹ Plaintiffs have asked each
12 party that asserted defenses whether it intends to pursue each defense articulated in its Answer.
13 A brief summary of the position of each Defendant and Intervenors is set forth below.

14 **A. THE ATTORNEY GENERAL**

15 The Attorney General admits in his Answer that Prop. 8 violates the Due Process and Equal
16 Protection Clauses of the Fourteenth Amendment. Doc #39 at 8-9. The Attorney General raises no
17 defenses to Plaintiffs' claims.

18 **B. THE ADMINISTRATION**

19 Governor Arnold Schwarzenegger, Mark B. Horton, and Linette Scott (collectively "the
20 Administration") either admit or do not dispute in their Answer the allegations of Plaintiffs'
21 Complaint. Doc #46. The Administration raises no defenses to Plaintiffs' claims.

22 **C. LOS ANGELES COUNTY**

23 Dean C. Logan, in his capacity as Los Angeles County Registrar-Recorder/County Clerk
24 ("Los Angeles County"), denies in his Answer many of the allegations in Plaintiffs' Complaint.
25 Doc #41. Los Angeles County purports to raise three affirmative defenses: (1) that it has a

26

27 ¹ After receiving the Court's August 12, 2009 Order, Plaintiffs' counsel contacted counsel for
28 each Defendant and Intervenors to reopen the meet-and-confer process and to discuss the
issues raised by the Court and how best to respond.

1 ministerial duty to apply the laws of the State of California; (2) that it has no discretion to issue
 2 marriage licenses other than in accordance with State law; and (3) that it acted in good faith.

3 **D. ALAMEDA COUNTY**

4 Patrick O'Connell, in his capacity as Clerk-Recorder for the County of Alameda ("Alameda
 5 County"), denies in his Answer many of the factual allegations in Plaintiffs' Complaint. Doc #42.
 6 Although Alameda County purports to raise twenty-one (21) affirmative defenses, it has in the meet-
 7 and-confer process narrowed those defenses to the following (identified by the number of the
 8 corresponding affirmative defense in its Answer): (1) that it has no discretion in the performance of
 9 ministerial duties; (2) that any injury or damage to Plaintiffs was caused by the acts or omissions of
 10 others; (9) that its acts were privileged under applicable statutes and case law; (13) that attorneys'
 11 fees should not be assessed due to special circumstances mandating its ministerial duties; (19) that
 12 damages caused by third parties for whom it is not responsible and thus its conduct was not the
 13 proximate or legal cause of such damages; and (20) that it did not take affirmative acts to deprive
 14 Plaintiffs of any right or privilege guaranteed by the constitution or laws of the United States.²

15 **E. INTERVENORS**

16 The Intervenors deny in their Answer many of the allegations of Plaintiffs' Complaint.
 17 Doc #9. Although Intervenors purport to raise six affirmative defenses, they have in the meet-and-
 18 confer process narrowed those defenses to the following (identified by the number of the
 19 corresponding affirmative defense in its Answer): (1) that Plaintiffs have failed to state a claim; and
 20 (6) that neither the challenged provisions nor the Defendants have deprived Plaintiffs of a right or
 21 privilege guaranteed by the Constitution.

22 **IV. ADMISSIONS AND STIPULATIONS**

23 **A. ADMISSIONS AND STIPULATIONS WITH RESPECT TO THE ELEMENTS OF
 24 PLAINTIFFS' CLAIMS**

25 Following receipt of the Court's August 12, 2009 Order, Plaintiffs met-and-conferred with
 26 Defendants and Intervenors about the elements of Plaintiffs' claims. Plaintiffs distributed draft

27 ² Alameda County has indicated that its 20th affirmative defense may "possibly" be included
 28 among those that it pursues in this case going forward.

written statements of those elements to Defendants and Intervenors, asking each whether they were willing to stipulate that any or all of the stated elements were satisfied. As of the time of this filing, only Los Angeles and Alameda Counties have agreed to stipulate that any specific element is satisfied. Specifically, the Counties will stipulate that they acted under color of law, thus satisfying the first element of Plaintiffs' Section 1983 claim.

In addition, Plaintiffs circulated to Defendants and Intervenors a list of proposed factual stipulations. Plaintiffs have drawn these facts primarily from two sources: (1) the specific factual findings of state courts that have considered, after extensive proceedings, the constitutionality of excluding gay and lesbian individuals from civil marriage; and (2) proposed findings of law and fact that parties have submitted in those cases. Plaintiffs' proposed stipulations are set forth in Exhibit A hereto.³ As of the time of this filing, none of the Defendants or Intervenors has agreed to stipulate to the facts presented by Plaintiffs.

Nonetheless, in his Answer, the Attorney General admitted the following facts: (1) Prop. 8 "cannot be squared with guarantees of the Fourteenth Amendment," Doc #39 at 2; (2) "domestic partnerships are not equal to civil marriage, and that this unequal treatment denies lesbians and gay men rights guarantees by the Fourteenth Amendment to the United States Constitution," *id.*; (3) "sexual orientation is a characteristic that bears no relation to a person's ability to perform or contribute to society and that the sexual orientation of gays and lesbians has been associated with a stigma of inferiority and second-class citizenship, manifested by the group's history of legal and social disabilities," *id.* at 5; (4) "the inability to marry the person of their choice denies gays and lesbians, as well as their families, the personal and public affirmation that accompanies state-sanctioned civil marriage," *id.* at 7; (5) "under the California Constitution, gay and lesbian same sex couples are unequal to heterosexual opposite sex couples," *id.* at 10, (6) Prop. 8 "was passed as a

³ By proposing stipulations as to particular facts, Plaintiffs do not concede that they bear the burden of proof as to each such fact or that each such fact must be resolved in their favor to prevail. Lastly, Plaintiffs reserve the right not to rely on any particular fact, even if stipulated, based on the development of their legal theories and other evidence as this case proceeds.

1 result of disapproval of or animus by the majority of voters against same-sex marriages," *id.*; and
 2 (7) Prop. 8 "imposed a special disability on gays and lesbians alone[.]" *Id.*

3 **B. ADMISSIONS AND STIPULATIONS WITH RESPECT TO DEFENSES**

4 The Attorney General and the Administration have raised no defenses to Plaintiffs' claims.
 5 Thus, no stipulations are appropriate or necessary as to the claims against those parties. With respect
 6 to the defenses raised by Los Angeles County, Alameda County, and the Intervenors, Plaintiffs have
 7 carefully reviewed and considered each such purported defense. Plaintiffs have concluded that each
 8 such purported defense is without merit, and thus Plaintiffs are unwilling to stipulate to the existence
 9 of any such defense to Plaintiffs' claims.

10 Nonetheless, with respect to Los Angeles County, Plaintiffs have agreed to stipulate that Los
 11 Angeles County was a defending party in *In re Marriage Cases*, 183 P.3d 384 (Cal. 2008); and that
 12 Los Angeles County was a co-petitioner in *Strauss v. Horton*, 207 P.3d 48 (Cal. 2009).

13 **V. DISCOVERY PLAN**

14 This section identifies the fact discovery that Plaintiffs presently anticipate seeking from other
 15 parties and non-parties.⁴ This section does not identify all evidence Plaintiffs intend to gather
 16 through means other than formal discovery, such as informal interviews or review of publicly
 17 available materials. Plaintiffs address expert discovery in Section VI. As explained in Plaintiffs'
 18 initial Case Management Statement, Doc #134, Plaintiffs intend to use written discovery and
 19 depositions to build a record with respect to a number of factual issues that are relevant to the Court's
 20 evaluation of their claims, and Plaintiffs are prepared to conduct fact discovery on an expedited basis.

21 **A. LEVEL OF SCRUTINY RELEVANT TO PLAINTIFFS' CLAIMS**

22 Plaintiffs intend to propound interrogatories and requests for admission ("RFAs") to
 23 Defendants and Intervenors, and to ask questions in the depositions of these parties and their
 24 representatives, in an effort to establish and seek admissions that the factors justifying heightened

27 ⁴ In addition to use at trial, Plaintiffs plan to use this discovery, and the expert evidence
 28 discussed in Section VI, in support of a motion for summary judgment.

1 scrutiny (set forth in Section II.B.5 above) are satisfied in this case. Plaintiffs do not presently intend
 2 to pursue other fact discovery on this issue.

3 **B. THE CAMPAIGN BY WHICH PROPOSITION 8 WAS ADOPTED**

4 Plaintiffs will present evidence at trial that no compelling or even rational basis exists for
 5 Prop. 8's exclusion of gay and lesbian individuals from the institution of civil marriage and for
 6 stripping gay and lesbian individuals of their previously recognized right to marry. As part of this
 7 showing, Plaintiffs will demonstrate that Prop. 8 was instead driven by irrational considerations,
 8 including but not limited to misconceptions, animus and moral disapproval of gay and lesbian
 9 individuals. Plaintiffs will demonstrate that Prop. 8 was devised, promoted, and supported by groups
 10 and individuals that disapprove of gay and lesbian individuals and did not want the committed, long-
 11 term relationships of gay and lesbian individuals to be deemed "as good as" the marital relationships
 12 entered into by couples of the opposite sex. Plaintiffs also will demonstrate that some or all of the
 13 rationales offered to the voters in support of Prop. 8 do not bear any rational nexus to what Prop. 8
 14 actually does, which is exclude gay and lesbian individuals from the institution of civil marriage.

15 Plaintiffs intend to serve interrogatories and requests for the production of documents on, and
 16 to depose, Intervenors and possibly other individuals and groups involved in the Prop. 8 campaign,
 17 including Protectmarriage.com – Yes on 8, A Project of California Renewal (as a corporate entity)
 18 and the Official Proponents of Prop. 8—Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez,
 19 Hak-Shing William Tam, and Mark A. Jansson. Specifically, Plaintiffs plan to seek documents
 20 relating to Prop. 8's genesis, drafting, strategy, objectives, advertising, campaign literature, and
 21 Intervenors' communications with each other, supporters, and donors. Plaintiffs will also seek
 22 documents and deposition testimony relating to the rationales now being offered by Intervenors as
 23 legitimate state interests. Plaintiffs also intend to depose Frank Schubert and Jeff Flint of Schubert
 24 Flint Public Affairs, the public affairs firm that managed the Yes on Prop. 8 campaign. Mr. Schubert
 25 is the president of Schubert Flint Public Affairs, and Mr. Flint is a partner.

26 **C. CHARACTER OF THE RIGHTS PLAINTIFFS CONTEND ARE INFRINGED OR VIOLATED**

27 Plaintiffs intend to propound interrogatories and RFAs to Defendants and Intervenors, and to
 28 ask questions in the depositions of these parties and their representatives, in an effort to seek

1 admissions and establish the absence of dispute on this issue. Plaintiffs do not presently intend to
 2 pursue other fact discovery on this issue.

3 **D. EFFECT OF PROPOSITION 8 UPON PLAINTIFFS AND SIMILARLY SITUATED
 4 INDIVIDUALS**

5 Plaintiffs intend to propound interrogatories and RFAs to Defendants and Intervenors, and to
 6 ask questions in the depositions of these parties and their representatives, in an effort to seek
 7 admissions and establish the absence of dispute on this issue. Plaintiffs do not presently intend to
 8 pursue other fact discovery on this issue.

9 **E. EFFECT OF PROPOSITION 8 ON OPPOSITE-SEX COUPLES AND OTHERS NOT IN
 10 SAME-SEX RELATIONSHIPS IN CALIFORNIA**

11 Plaintiffs intend to propound interrogatories and RFAs to Defendants and Intervenors, and to
 12 ask questions in the depositions of these parties and their representatives, in an effort to seek
 13 admissions and establish the absence of dispute on this issue. Plaintiffs do not presently intend to
 14 pursue other fact discovery on this issue.

15 **F. OTHER ISSUES PERTINENT TO THE PARTIES' CLAIMS OR DEFENSES**

16 Plaintiffs will serve discovery on Intervenors and Defendants concerning the potential state
 17 interests raised by any party to this action. Plaintiffs will also serve RFAs in an effort to narrow the
 18 number of factual issues that need to be resolved at trial and interrogatories to define the scope of and
 19 refute any defenses raised by Defendants or Intervenors.

20 **VI. EXPERT EVIDENCE**

21 Plaintiffs presently anticipate presenting expert reports and testimony from between five and
 22 seven expert witnesses.⁵ This testimony will draw on the witnesses' expertise in five basic subjects:
 23 (1) history; (2) economics; (3) sociology; (4) psychology; and (5) political science. Even before the
 24 July 2, 2009 case management conference, Plaintiffs, consulting with the San Francisco City

25 _____
 26 ⁵ Plaintiffs provide this good faith estimate to respond as directly as possible to the Court's
 27 inquiry and to assist the Court in evaluating the specifics of how this case will proceed with
 28 respect to expert discovery and testimony. The actual number of experts whose testimony is
 presented may change based on factors such as the ability of specific retained experts to
 address multiple topics and the availability of particular experts once the Court sets the
 schedule on which this case will proceed.

1 Attorney's Office, have been actively engaged in identifying the most qualified experts in these fields
 2 to testify on their behalf in this matter, and discussions with several experts about their involvement
 3 in this matter have taken place. Plaintiffs intend to promptly decide which experts will testify and the
 4 subjects as to which each will testify once the schedule in this matter is set (in order to ensure that
 5 each expert is available on the governing schedule) and once the issues that will be presented for trial,
 6 as opposed to stipulated between the parties, are resolved. Plaintiffs provide below a more specific
 7 summary of the expert testimony they intend to offer in each of the five subject matters
 8 described above.

9 **A. HISTORY AND ECONOMICS**

10 Plaintiffs intend to present expert evidence from one or more historians and economists
 11 concerning the history and evolution of marriage as a social institution in this country, the
 12 discrimination faced by gay and lesbian individuals, the development of an anti-gay movement in this
 13 country, and gay and lesbian individuals' relative lack of political power. Plaintiffs intend to
 14 demonstrate that civil marriage has never been a static institution. Historically, marriage has
 15 changed, sometimes dramatically, to reflect the changing needs, values and understanding of our
 16 evolving society. Additionally, Plaintiffs intend to demonstrate that the persecution suffered by gay
 17 and lesbian individuals in the United States has been severe and has had significant negative effects
 18 on gay and lesbian individuals.

19 Specifically, Plaintiffs' history experts will address the following topics:

- 20 (1) The history of severe, invidious discrimination gay and lesbian individuals have faced
 and the harm inflicted as a result of that discrimination;
- 21 (2) The development of an anti-gay movement in the United States that sought to
 engender anti-gay animus for political and financial gain;
- 22 (3) That lesbians and gay men have been and remain the subject of invidious
 stereotypes and have long been portrayed in a negative light to the extent they
 were not rendered invisible because of social prejudice against them;
- 23 (4) The discrimination currently faced by gay and lesbian individuals, including the fact
 that they are still among the most stigmatized groups in the country, that the refusal to

1 recognize and the animus toward their intimate family relationships has caused them
 2 to suffer psychological and economic harm, and that hate crimes against them
 3 remain prevalent;

4 (5) The relative lack of political power of gay and lesbian individuals, including successes
 5 of both pro-gay and anti-gay legislation and the current lack of representation in
 6 government;

7 (6) The meaning of marriage in California, including the fact that civil marriage has never
 8 been a static institution and has changed over time, sometimes dramatically, to reflect
 9 the changing needs, values and understanding of our evolving society;

10 (7) The fact that race- and gender-based reforms in civil marriage law did not deprive
 11 marriage of its vitality and importance as social institution; and

12 (8) The history and development of California's ban on marriage by same-sex couples.

13 **B. SOCIOLOGY AND ECONOMICS**

14 Plaintiffs intend to present expert evidence from one or more sociologists and/or economists
 15 concerning families led by same-sex couples, the sociological and economic effect of marriage laws
 16 on opposite-sex marriage, and the sociological and economic effect of marriage laws on same-sex
 17 couples and their children. Plaintiffs intend to demonstrate that civil marriage is a deeply meaningful
 18 institution to individuals, families, communities, and the State, which brings with it a host of tangible
 19 legal rights, privileges, benefits, and obligations. The tangible and intangible benefits of marriage
 20 flow not only to those who marry, but also to their children. Denying same-sex couples the right to
 21 marry harms individuals, families, communities, and the State.

22 Specifically, Plaintiffs' sociology experts will address the following topics:

23 (1) The characteristics defining gay and lesbian individuals as a class do not in any way
 24 affect their ability to contribute to society;

25 (2) The exclusion of same-sex couples from marriage does not lead to increased stability
 26 in opposite-sex marriage or alternatively, permitting same-sex couples to marry does
 27 not destabilize opposite-sex marriage;

- (3) There is no credible evidence suggesting any difference in the quality of the child-rearing environment in households led by same-sex couples than in households led by opposite-sex couples;
- (4) The best interests of a child are equally served by being raised by same-sex parents because lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for children;
- (5) California's public policy allows gay and lesbian individuals in same-sex relationships to serve as foster parents and to adopt children, and its public policy reflects the State's understanding that sexual orientation bears no relation to an individual's capacity to enter into a stable family relationship that is analogous to marriage and otherwise to participate fully in all economic and social institutions;
- (6) The availability of opposite-sex marriage is not a meaningful option for gay and lesbian individuals;
- (7) The voters' and proponents' motivation or motivations for supporting Prop. 8, including moral disapproval of and irrational views concerning gay and lesbian individuals;
- (8) The differences in actual practice of registered domestic partnerships, civil unions and marriage, including whether married couples are treated differently from domestic partners in governmental and non-governmental contexts; and
- (9) Prohibiting marriage by same-sex couples hurts the State of California and local governments in California financially.

C. PSYCHOLOGY

Plaintiffs intend to present expert evidence from one or more psychologists concerning child development, parenting, family building, gender, sexuality, the importance of sexual orientation in the formation of one's identity, families led by same-sex couples and children within those families, the psychological effect of laws prohibiting marriage by same-sex couples on such couples and their children, and the psychological harm of stigmatization. Plaintiffs intend to demonstrate that relegating lesbian and gay families to a separate legal institution for state recognition marginalizes

1 and stigmatizes gay families; that there is a significant symbolic disparity between domestic
 2 partnership and marriage; that the inability to marry relegates gay and lesbian relationships to second-
 3 class status; that the creation of the alternative regime of domestic partnership reinforces anti-gay
 4 prejudice, which has the potential to escalate into violence; and that the stigma associated with
 5 discrimination and second-class treatment takes a toll on the well-being of gay men and lesbians and
 6 their families.

7 Specifically, Plaintiffs' psychology experts will address the following topics:

- 8 (1) The characteristics defining gay and lesbian individuals as a class do not in any way
 9 affect their ability to contribute to society;
- 10 (2) The medical and psychiatric communities do not consider sexual orientation an illness
 11 or disorder;
- 12 (3) Same-sex sexual orientation does not result in any impairment in judgment or general
 13 social and vocational capabilities;
- 14 (4) The State's policy that sexual orientation bears no relation to an individual's ability to
 15 raise children, to an individual's capacity to enter into a relationship that is analogous
 16 to marriage, or otherwise to participate fully in all economic and social institutions;
- 17 (5) Sexual orientation and sexual identity is so fundamental to one's identity that a person
 18 should not be required to abandon them;
- 19 (6) The exclusion of same-sex couples from marriage does not lead to increased stability
 20 in opposite-sex marriage or alternatively, permitting same-sex couples to marry does
 21 not destabilize opposite-sex marriage;
- 22 (7) There is no credible evidence suggesting any difference in the quality of the child-
 23 rearing environment in households led by same-sex couples than in households led by
 24 opposite-sex couples;
- 25 (8) The availability of opposite-sex marriage is not a meaningful option for gay and
 26 lesbian individuals;
- 27 (9) An individual's capacity to establish a loving and long-term committed relationship
 28 with another person does not depend on the individual's sexual orientation;

- 1 (10) An individual's capacity to raise children does not depend on the individual's
- 2 sexual orientation;
- 3 (11) The stigma associated with discrimination and second-class treatment takes a toll on
- 4 the well-being of gay men and lesbians and their families;
- 5 (12) Establishing a separate legal institution for State recognition and support of lesbian
- 6 and gay families, even if well-intentioned, marginalizes and stigmatizes lesbian and
- 7 gay families;
- 8 (13) There is a significant symbolic disparity between domestic partnership and
- 9 marriage; and
- 10 (14) Denying same-sex couples and their families access to the familiar and favorable
- 11 official designation "marriage" harms them by denying their family relationships the
- 12 same dignity and respect afforded to opposite-sex couples and their families.

13 **D. POLITICAL SCIENCE**

14 Plaintiffs intend to present expert evidence from one or more political scientists concerning

15 the relative political powerlessness of gay and lesbian individuals and the political history and

16 development of California's ban on marriage by same-sex couples. Plaintiffs intend to demonstrate

17 that although social antipathy toward gay and lesbian individuals has moderated, these groups suffer

18 from continuing political disabilities and discrimination.

19 Specifically, Plaintiffs' political science experts will address the following topics:

- 20 (1) The history of discrimination that gay and lesbian individuals have faced;
- 21 (2) The development and operation of a well-funded, politically effective national anti-
- 22 gay movement that has encouraged anti-gay sentiment and hindered gay and lesbian
- 23 individuals' ability to achieve or sustain fair and equal treatment through the political
- 24 process at any level of government;
- 25 (3) The relative political power of gay and lesbian individuals, including successes of both
- 26 pro-gay and anti-gay legislation;
- 27 (4) The history and development of California's ban on marriage by same-sex couples;

- (5) The voters' and proponents' motivation or motivations for supporting Prop. 8, including advertisements and ballot literature considered by California voters;
- (6) The differences in actual practice of registered domestic partnerships, civil unions and marriage, including whether married couples are treated differently from domestic partners in governmental and non-governmental contexts; and
- (7) Prohibiting marriage by same-sex couples limits the State of California's ability to ensure that its citizens are treated equally regardless of sexual orientation.

DATED: August 17, 2009

GIBSON, DUNN & CRUTCHER LLP

By: _____ /s/
Theodore B. Olson

and

BOIES, SCHILLER & FLEXNER LLP

David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,
SANDRA B. STIER, PAUL T. KATAMI, and
JEFFREY J. ZARRILLO

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:09-cv-02292-VRW

Perry et al v. Schwarzenegger et al
Assigned to: Hon. Vaughn R. Walker
Demand: \$0
Case in other court: 9th Circuit, 09-16959
9th Circuit, 09-17241
Cause: 42:1983 Civil Rights Act

Date Filed: 05/22/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/22/2009	1	COMPLAINT for Declaratory, Injunctive or other Relief - [Summons Issued] against Arnold Schwarzenegger, Edmund G. Brown, Jr, Mark B. Horton, Linette Scott, Patrick O'Connell & Dean C. Logan, [Filing Fee: \$350.00, Receipt Number 34611032459] Filed by Plaintiffs Sandra B. Stier, Kristin M. Perry, Paul T. Katami & Jeffrey J. Zarrillo. (tn, COURT STAFF) (Filed on 5/22/2009) (tn, COURT STAFF). (Additional attachment(s) added on 5/26/2009: # 1 Complaint) (tn, COURT STAFF). (Entered: 05/26/2009)
05/22/2009	2	SUMMONS Issued as to Defendants Arnold Schwarzenegger, Edmund G. Brown, Jr, Mark B. Horton, Linette Scott, Patrick O'Connell & Dean C. Logan. (tn, COURT STAFF) (Filed on 5/22/2009) (tn, COURT STAFF). (Entered: 05/26/2009)
05/22/2009	3	ADR SCHEDULING ORDER: Joint Case Management Statement due 8/27/2009 & Initial Case Management Conference set for 9/3/2009 at 3:30 PM.. (tn, COURT STAFF) (Filed on 5/22/2009) (tn, COURT STAFF). (Entered: 05/26/2009)
05/22/2009	4	CERTIFICATION of Interested Entities or Persons Filed by Plaintiffs Sandra B. Stier, Kristin M. Perry, Paul T. Katami & Jeffrey J. Zarrillo. (tn, COURT STAFF) (Filed on 5/22/2009) (tn, COURT STAFF). (Entered: 05/26/2009)
05/22/2009	5	APPLICATION of Attorney Matthew D. McGill for Leave to Appear in Pro Hac Vice -[Filing Fee: \$210.00, Receipt Number 34611032460] Filed by Plaintiffs Sandra B. Stier, Kristin M. Perry, Paul T. Katami & Jeffrey J. Zarrillo. (tn, COURT STAFF) (Filed on 5/22/2009) (tn, COURT STAFF). (Entered: 05/26/2009)
05/22/2009	6	[Proposed] Order Granting re 5 Application for Admission of Attorney Pro Hac Vice Submitted by Plaintiffs Sandra B. Stier, Kristin M. Perry, Paul T. Katami & Jeffrey J. Zarrillo. (tn, COURT STAFF) (Filed on 5/22/2009) (tn, COURT STAFF). (Entered: 05/26/2009)
05/22/2009		CASE DESIGNATED for Electronic Filing. (tn, COURT STAFF) (Entered: 05/26/2009)
05/26/2009	18	MOTION of David Boies for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611032473.) filed by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo. (rcs, COURT STAFF) (Filed on 5/26/2009) (gsa, COURT

		STAFF). (Entered: 05/29/2009)
05/27/2009	7	MOTION for Preliminary Injunction filed by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo. Motion Hearing set for 7/2/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Affidavit Katami Declaration, # 2 Affidavit Perry Declaration, # 3 Affidavit Stier Declaration, # 4 Affidavit Zarrillo Declaration, # 5 Proposed Order Granting Preliminary Injunction)(Boutrous, Theodore) (Filed on 5/27/2009) (Entered: 05/27/2009)
05/28/2009	8	MOTION to Intervene filed by Proposition 8 Official Proponents, Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, Mark A. Jansson, ProtectMarriage.com - Yes on 8, A Project of California Renewal. Motion Hearing set for 7/2/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Proposed Order, # 16 Certificate of Service)(Chandler, Timothy) (Filed on 5/28/2009) (Entered: 05/28/2009)
05/28/2009	9	<i>Proposed Intervenors'</i> ANSWER to Complaint by Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, Mark A. Jansson, ProtectMarriage.com - Yes on 8, A Project of California Renewal. (Attachments: # 1 Certificate of Service)(Chandler, Timothy) (Filed on 5/28/2009) (Entered: 05/28/2009)
05/28/2009	10	Certificate of Interested Entities by Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, Mark A. Jansson, ProtectMarriage.com - Yes on 8, A Project of California Renewal (Attachments: # 1 Certificate of Service)(Chandler, Timothy) (Filed on 5/28/2009) (Entered: 05/28/2009)
05/29/2009	11	CERTIFICATE OF SERVICE by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo <i>OF SUMMONS, COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, etc., ON EDMUND G. BROWN</i> (Dettmer, Ethan) (Filed on 5/29/2009) (Entered: 05/29/2009)
05/29/2009	12	CERTIFICATE OF SERVICE by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo <i>OF SUMMONS, COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, etc., ON PATRICK O'CONNELL</i> (Dettmer, Ethan) (Filed on 5/29/2009) (Entered: 05/29/2009)
05/29/2009	13	CERTIFICATE OF SERVICE by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo <i>OF SUMMONS, COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, etc., ON ARNOLD SCHWARZENEGGER</i> (Dettmer, Ethan) (Filed on 5/29/2009) (Entered: 05/29/2009)
05/29/2009	14	CERTIFICATE OF SERVICE by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo <i>OF SUMMONS, COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, etc., ON MARK B. HORTON</i> (Dettmer, Ethan) (Filed on 5/29/2009) (Entered: 05/29/2009)
05/29/2009	15	CERTIFICATE OF SERVICE by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo <i>OF SUMMONS, COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, etc., ON LINETTE SCOTT</i> (Dettmer, Ethan) (Filed on 5/29/2009) (Entered: 05/29/2009)

05/29/2009	16	CERTIFICATE OF SERVICE by Sandra B. Stier, Kristin M. Perry, Paul T. Katami, Jeffrey J. Zarrillo <i>OF SUMMONS, COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, etc., ON DEAN C. LOGAN</i> (Dettmer, Ethan) (Filed on 5/29/2009) (Entered: 05/29/2009)
05/29/2009	17	ORDER by Chief Judge Vaughn R Walker granting doc 5 Motion Application for Admission of Attorney Matthew McGill Pro Hac Vice representing the Plaintiffs. (cgk, COURT STAFF) (Filed on 5/29/2009) (Entered: 05/29/2009)
06/01/2009	19	ORDER by Judge Vaughn R Walker granting 18 Motion Application for Admission of Attorney David Boies Pro Hac Vice representing Plaintiffs. (cgk, COURT STAFF) (Filed on 6/1/2009) (Entered: 06/01/2009)
06/01/2009	20	MOTION for leave to appear in Pro Hac Vice - James A. Campbell (Filing fee \$ 210, receipt number 34611032700.). (gsa, COURT STAFF) (Filed on 6/1/2009) (Entered: 06/05/2009)
06/01/2009	21	Proposed Order re 20 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611032700.). (gsa, COURT STAFF) (Filed on 6/1/2009) (Entered: 06/05/2009)
06/01/2009	22	MOTION for leave to appear in Pro Hac Vice - Brian W. Raum (Filing fee \$ 210, receipt number 34611032701.). (gsa, COURT STAFF) (Filed on 6/1/2009) (Entered: 06/05/2009)
06/01/2009	23	Proposed Order re 22 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611032701.). (gsa, COURT STAFF) (Filed on 6/1/2009) (Entered: 06/05/2009)
06/09/2009	24	ORDER by Chief Judge Vaughn R Walker granting 20 Motion Application for Admission of Attorney James A Campbell Pro Hac Vice representing Proposed Intervenors. (cgk, COURT STAFF) (Filed on 6/9/2009) (Entered: 06/09/2009)
06/09/2009	25	ORDER by Chief Judge Vaughn R Walker granting 22 Motion Application for Admission of Attorney Brian W Raum Pro Hac Vice representing Proposed Intervenors. (cgk, COURT STAFF) (Filed on 6/9/2009) (Entered: 06/09/2009)
06/09/2009	26	Letter from Bill Plummer to the Honorable Judge Walker regarding Alliance Defense Fund hearing 7/2/2009. (gsa, COURT STAFF) (Filed on 6/9/2009) (Entered: 06/10/2009)
06/11/2009	27	Statement of <i>No Position to the 7 Motion for Preliminary Injunction</i> by Dean C. Logan. (Whitehurst, Judy) (Filed on 6/11/2009) Modified on 6/15/2009 (slh, COURT STAFF). (Entered: 06/11/2009)
06/11/2009	28	Statement of <i>No Position to 8 Motion to Intervene</i> by Dean C. Logan. (Whitehurst, Judy) (Filed on 6/11/2009) Modified on 6/15/2009 (slh, COURT STAFF). (Entered: 06/11/2009)
06/11/2009	29	Certificate of Interested Entities by Dean C. Logan (Whitehurst, Judy) (Filed on 6/11/2009) (Entered: 06/11/2009)
06/11/2009	30	RESPONSE in Support re 7 MOTION for Preliminary Injunction <i>Defendant Patrick O'Connell's Statement of Non-Opposition to Plaintiffs' Motion for a Preliminary Injunction and Certificate of Service</i> filed by Patrick O'Connell. (Attachments: # 1 Certificate of Service)(Kolm, Claude) (Filed on 6/11/2009) (Entered: 06/11/2009)

06/11/2009	31	Statement of Non-Opposition to Proposed Intervenors' 8 Motion to Intervene by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 6/11/2009) Modified on 6/15/2009 (slh, COURT STAFF). (Entered: 06/11/2009)
06/11/2009	32	Statement of Non-Opposition re 8 MOTION to Intervene filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Related document(s) 8) (Mennemeier, Kenneth) (Filed on 6/11/2009) (Entered: 06/11/2009)
06/11/2009	33	Memorandum in Opposition re 7 MOTION for Preliminary Injunction filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 6/11/2009) (Entered: 06/11/2009)
06/11/2009	34	MEMORANDUM in Opposition <i>Attorney General's Opposition to Plaintiffs' 7 Motion for Preliminary Injunction</i> filed by Edmund G. Brown, Jr. (Pachter, Tamar) (Filed on 6/11/2009) Modified on 6/15/2009 (slh, COURT STAFF). (Entered: 06/11/2009)
06/11/2009	35	Statement of Non-Opposition <i>Defendant's Notice of Non-Opposition to Proposed Intervenors' 8 Motion to Intervene</i> filed by Edmund G. Brown, Jr. (Pachter, Tamar) (Filed on 6/11/2009) Modified on 6/15/2009 (slh, COURT STAFF). (Entered: 06/11/2009)
06/11/2009	36	Memorandum in Opposition re 7 MOTION for Preliminary Injunction filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Proposed Order, # 8 Certificate of Service)(Raum, Brian) (Filed on 6/11/2009) (Entered: 06/11/2009)
06/12/2009	37	Statement of Non-Opposition <i>To 8 Proposed Intervenors' Motion to Intervene</i> filed by Patrick O'Connell. (Kolm, Claude) (Filed on 6/12/2009) Modified on 6/15/2009 (gsa, COURT STAFF). (Entered: 06/12/2009)
06/12/2009	38	CERTIFICATE OF SERVICE by Patrick O'Connell re 37 Statement of Non-Opposition <i>To Proposed Intervenors' Motion to Intervene</i> (Kolm, Claude) (Filed on 6/12/2009) (Entered: 06/12/2009)
06/12/2009	39	ANSWER to Complaint of <i>California Attorney General</i> by Edmund G. Brown, Jr. (Pachter, Tamar) (Filed on 6/12/2009) (Entered: 06/12/2009)
06/15/2009	40	CERTIFICATE OF SERVICE by Edmund G. Brown, Jr (Pachter, Tamar) (Filed on 6/15/2009) (Entered: 06/15/2009)
06/15/2009	41	ANSWER to Complaint by Dean C. Logan. (Whitehurst, Judy) (Filed on 6/15/2009) (Entered: 06/15/2009)
06/15/2009	44	MOTION of Austin R. Nimocks for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033246) filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/15/2009) (Entered: 06/16/2009)

06/15/2009	45	MOTION of Jordan W. Lorence for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033245) filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/15/2009) (Entered: 06/16/2009)
06/16/2009	42	ANSWER to Complaint by Patrick O'Connell. (Attachments: # 1 Certificate of Service) (Kolm, Claude) (Filed on 6/16/2009) (Entered: 06/16/2009)
06/16/2009	43	CERTIFICATE OF SERVICE by Patrick O'Connell re 30 Response in Support, (Kolm, Claude) (Filed on 6/16/2009) (Entered: 06/16/2009)
06/16/2009	46	<i>The Administration's</i> ANSWER to Complaint for Declaratory, Injunctive, or Other Relief by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 6/16/2009) (Entered: 06/16/2009)
06/17/2009	47	Statement of Non-Opposition re Plaintiff's 7 MOTION for Preliminary Injunction filed by Patrick O'Connell. (Related document(s) 7) (slh, COURT STAFF) (Filed on 6/17/2009) (Entered: 06/17/2009)
06/17/2009	48	CERTIFICATE OF SERVICE by Patrick O'Connell re 47 Statement of Non-Opposition. (slh, COURT STAFF) (Filed on 6/17/2009) (Entered: 06/17/2009)
06/17/2009	49	CLERKS NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer re 47 , 48 . (slh, COURT STAFF) (Filed on 6/17/2009) (Entered: 06/17/2009)
06/18/2009	50	MOTION to File Amicus Curiae Brief filed by City and County of San Francisco. Motion Hearing set for 7/2/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Van Aken, Christine) (Filed on 6/18/2009) (Entered: 06/18/2009)
06/18/2009	51	Proposed Order re 50 MOTION to File Amicus Curiae Brief by City and County of San Francisco. (Van Aken, Christine) (Filed on 6/18/2009) (Entered: 06/18/2009)
06/18/2009	52	Reply Memorandum re 7 MOTION for Preliminary Injunction filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 6/18/2009) (Entered: 06/18/2009)
06/18/2009	53	Amicus Curiae APPEARANCE entered by Christine Van Aken on behalf of City and County of San Francisco. (Van Aken, Christine) (Filed on 6/18/2009) (Entered: 06/18/2009)
06/18/2009	54	Declaration of Mollie M. Lee in Support of 53 Amicus Curiae Appearance filed by City and County of San Francisco. (Attachments: # 1 Exhibit A - J)(Related document(s) 53) (Van Aken, Christine) (Filed on 6/18/2009) (Entered: 06/18/2009)
06/19/2009	55	MOTION of Howard C. Nielson, Jr. for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033459) filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/19/2009) (Entered: 06/22/2009)
06/19/2009	56	MOTION of Charles J. Cooper for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033456) filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents,

		ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/19/2009) (Entered: 06/22/2009)
06/19/2009	57	MOTION of David H. Thompson for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033457) filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/19/2009) (Entered: 06/22/2009)
06/19/2009	58	MOTION of Peter A. Patterson for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033458) filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/19/2009) (Entered: 06/22/2009)
06/23/2009	59	MOTION to Appear by Telephone filed by Dean C. Logan. Motion Hearing set for 7/2/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Proposed Order)(Whitehurst, Judy) (Filed on 6/23/2009) (Entered: 06/23/2009)
06/25/2009	60	Amicus Curiae APPEARANCE entered by Elizabeth O. Gill on behalf of ACLU Foundation of Northern California. (Attachments: # 1 Proposed Order)(Gill, Elizabeth) (Filed on 6/25/2009) (Entered: 06/25/2009)
06/25/2009	61	MOTION to File Amicus Curiae Brief filed by ACLU Foundation of Northern California. Motion Hearing set for 7/2/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Gill, Elizabeth) (Filed on 6/25/2009) (Entered: 06/25/2009)
06/25/2009	62	Brief re 61 MOTION to File Amicus Curiae Brief filed by ACLU Foundation of Northern California. (Related document(s) 61) (Gill, Elizabeth) (Filed on 6/25/2009) (Entered: 06/25/2009)
06/25/2009	63	MOTION of Tobias Barrington Wolff for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611033644) filed by Equality California. (Attachments: # 1 Proposed Order)(slh, COURT STAFF) (Filed on 6/25/2009) (Entered: 06/26/2009)
06/26/2009	64	MOTION for Leave to File <i>Brief of Amicus Curiae Equality California</i> filed by Equality California. Motion Hearing set for 7/2/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Brosnahan, James) (Filed on 6/26/2009) (Entered: 06/26/2009)
06/26/2009	65	Brief re 64 MOTION for Leave to File <i>Brief of Amicus Curiae Equality California</i> <i>Brief of Amicus Curiae Equality California</i> filed by Equality California. (Related document(s) 64) (Brosnahan, James) (Filed on 6/26/2009) (Entered: 06/26/2009)
06/26/2009	66	Proposed Order re 64 MOTION for Leave to File <i>Brief of Amicus Curiae Equality California [Proposed] Order Granting Motion for Leave to File Brief of Amicus Curiae Equality California</i> by Equality California. (Brosnahan, James) (Filed on 6/26/2009) (Entered: 06/26/2009)
06/26/2009	91	MOTION to Intervene filed by Campaign for California Families. Motion Hearing set for 9/3/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (gsa, COURT STAFF) (Filed on 6/26/2009) (Entered: 07/10/2009)

06/26/2009	92	Declaration of Randy Thomasson in Support of 91 MOTION to Intervene filed by Campaign for California Families. (Related document(s) 91) (gsa, COURT STAFF) (Filed on 6/26/2009) (Entered: 07/10/2009)
06/26/2009	93	Proposed Order re 91 MOTION to Intervene by Campaign for California Families. (gsa, COURT STAFF) (Filed on 6/26/2009) (Entered: 07/10/2009)
06/27/2009	67	ORDER by Judge Vaughn R Walker granting 50 motion to File Amicus Curiae Brief (vrwl3, COURT STAFF) (Filed on 6/27/2009) (Entered: 06/27/2009)
06/27/2009	68	ORDER by Judge Vaughn R Walker granting 61 motion to File Amicus Curiae Brief (vrwl3, COURT STAFF) (Filed on 6/27/2009) (Entered: 06/27/2009)
06/27/2009	69	ORDER by Judge Vaughn R Walker granting 64 motion for Leave to File (vrwl3, COURT STAFF) (Filed on 6/27/2009) (Entered: 06/27/2009)
06/30/2009	70	ORDER by Judge Vaughn R Walker granting doc 55 Motion Application for Admission of Attorney Howard C Nielson Jr. Pro Hac Vice representing Proposed Intervenors. (cgk, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	71	ORDER by Judge Vaughn R Walker granting doc 56 Motion Application for Admission of Attorney Charles J Cooper Pro Hac Vice representing Proposed Intervenors. (cgk, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	72	ORDER by Judge Vaughn R Walker granting doc 57 Motion Application for Admission of Attorney David H Thompson Pro Hac Vice representing Proposed Intervenors. (cgk, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	73	ORDER by Judge Vaughn R Walker granting doc 58 Motion Application for Admission of Attorney Peter A Patterson Pro Hac Vice representing Proposed Intervenors. (cgk, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	74	ORDER by Judge Vaughn R Walker granting doc 59 Motion to Appear by Telephone. Defendant's counsel may listen to the proceedings at the 7/2/09 hearing. (cgk, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	75	ORDER by Judge Vaughn R Walker granting doc 63 Motion Application for Admission of Attorney Tobias Barrington Wolff Pro Hac Vice representing amicus curiae Equality California. (cgk, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	76	ORDER granting 8 Motion to Intervene, continuing hearing on preliminary injunction in favor of a case management conference on 7/2/2009 at 10AM. (vrwl1, COURT STAFF) (Filed on 6/30/2009) (Entered: 06/30/2009)
07/02/2009	77	Minute Entry: Initial Case Management Conference held on 7/2/2009, Motion Hearing held on 7/2/2009 before Chief Judge Vaughn R Walker re 7 MOTION for Preliminary Injunction filed by Sandra B. Stier, Jeffrey J. Zarrillo, Paul T. Katami, Kristin M. Perry. The Court heard argument from counsel. The parties to submit joint case management statement no later than August 7, 2009. The matter is scheduled for further hearing on August 19, 2009 at 10:00 AM. (Court Reporter Sahar McVickar.) (cgk, COURT STAFF) (Date Filed: 7/2/2009) (Entered: 07/06/2009)
07/02/2009		Set/Reset Hearings: Further Case Management Conference set for 8/19/2009 10:00 AM. (cgk, COURT STAFF) (Filed on 7/2/2009) (Entered: 07/06/2009)

07/02/2009	101	Letter from Citizen X (anonymous voter) to Chief Judge Vaughn Walker dated 6/22/2009. (gsa, COURT STAFF) (Filed on 7/2/2009) (Entered: 07/13/2009)
07/08/2009	78	Transcript of Proceedings held on 07/02/09, before Judge Vaughn R. Walker. Court Reporter/Transcriber Sahar McVickar, Telephone number (415) 626-6060/sahar_mcvickar@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 10/5/2009. (McVickar, Sahar) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	79	MOTION to Intervene filed by ACLU Foundation of Northern California. Motion Hearing set for 9/3/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	80	Declaration of Elizabeth Gill in Support of 79 MOTION to Intervene filed by ACLU Foundation of Northern California. (Attachments: # 1 Exhibit Complaint in Intervention)(Related document(s) 79) (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	81	Declaration of Judith K. Appel in Support of 79 MOTION to Intervene filed by ACLU Foundation of Northern California. (Related document(s) 79) (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	82	Declaration in Support of 79 MOTION to Intervene filed by ACLU Foundation of Northern California. (Related document(s) 79) (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	83	Declaration of Jody Huckaby filed by ACLU Foundation of Northern California. (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	84	Proposed Order re 79 MOTION to Intervene by ACLU Foundation of Northern California. (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	85	MOTION to Shorten Time filed by ACLU Foundation of Northern California. (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/08/2009	86	Declaration of Elizabeth Gill filed by ACLU Foundation of Northern California. (Gill, Elizabeth) (Filed on 7/8/2009) (Entered: 07/08/2009)
07/09/2009	87	NOTICE of Appearance by Alan Lawrence Schlosser (Schlosser, Alan) (Filed on 7/9/2009) (Entered: 07/09/2009)
07/09/2009	88	MEMORANDUM in Opposition re 85 MOTION to Shorten Time filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Related document(s) 85) (Olson, Theodore) (Filed on 7/9/2009) (Entered: 07/09/2009)
07/10/2009	89	Memorandum in Opposition re 85 MOTION to Shorten Time filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 7/10/2009) (Entered: 07/10/2009)

07/10/2009	90	Declaration of Charles J. Cooper in Support of 89 Memorandum in Opposition, filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Related document(s) 89) (Cooper, Charles) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/10/2009	94	NOTICE of Appearance by Christopher Francis Stoll (Stoll, Christopher) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/10/2009	95	Statement of Non-Opposition to <i>Proposed Intervenors Our Families Coalition, et al.'s Motion to Intervene and Motion to Shorten Time</i> filed by Edmund G. Brown, Jr. (Pachter, Tamar) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/10/2009	96	NOTICE of Appearance by Shannon Minter (Minter, Shannon) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/10/2009	97	NOTICE of Appearance by Ilona Margaret Turner (Turner, Ilona) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/10/2009	98	NOTICE of Change In Counsel by Gordon Bruce Burns (Attachments: # 1 Certificate of Service)(Burns, Gordon) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/13/2009	99	NOTICE by Edmund G. Brown, Jr re 98 Notice of Change In Counsel <i>Certificate of Service</i> (Burns, Gordon) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009	100	Statement of Non-Opposition re 85 MOTION to Shorten Time <i>Defendant Patrick O'Connell's Statement of Non-Opposition to Motion to Shorten Time and Motion to Intervene Filed by Our Family Coalition, Lavender Seniors of the East Bay, and Parents, Friends, and Families of Lesbians and Gays</i> filed by Patrick O'Connell. (Attachments: # 1 Certificate of Service)(Related document(s) 85) (Kolm, Claude) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009	102	NOTICE of Appearance by James Dixon Esseks (Esseks, James) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009	103	NOTICE of Appearance by Matthew Albert Coles (Coles, Matthew) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009	104	ORDER re motions to intervene. (vrwlc1, COURT STAFF) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009		NOTICE of Hearing on Motion. Motion Hearing re Docs #79 and 91 set for 8/19/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (cgk, COURT STAFF) (Filed on 7/13/2009) (Entered: 07/14/2009)
07/14/2009	105	ORDER by Judge Vaughn R Walker granting doc 44 Motion Application for Admission of Attorney Austin R. Nimocks Pro Hac Vice representing proposed intervenors. (cgk, COURT STAFF) (Filed on 7/14/2009) (Entered: 07/14/2009)
07/14/2009	106	ORDER by Judge Vaughn R Walker granting doc 45 Motion Application for Admission of Attorney Jordan W. Lorence Pro Hac Vice representing proposed intervenors. (cgk, COURT STAFF) (Filed on 7/14/2009) (Entered: 07/14/2009)
07/21/2009	107	NOTICE of Appearance by Jennifer Carol Pizer (Pizer, Jennifer) (Filed on 7/21/2009) (Entered: 07/21/2009)

07/21/2009	108	NOTICE of Appearance by Jon Warren Davidson (Davidson, Jon) (Filed on 7/21/2009) (Entered: 07/21/2009)
07/23/2009	109	MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> filed by City and County of San Francisco. Motion Hearing set for 8/19/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Bernstein, Erin) (Filed on 7/23/2009) (Entered: 07/23/2009)
07/23/2009	110	Declaration of Erin Bernstein in Support of 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities Declaration of Erin Bernstein regarding Electronic Signatures on Documents Filed in Support of Motion to Intervene as Party Plaintiff</i> filed by City and County of San Francisco. (Related document(s) 109) (Bernstein, Erin) (Filed on 7/23/2009) (Entered: 07/23/2009)
07/23/2009	111	Declaration of Therese M. Stewart in Support of 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> filed by City and County of San Francisco. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8A, # 9 Exhibit Exhibit 8B, # 10 Exhibit Exhibit 9, # 11 Exhibit Exhibit 10A, # 12 Exhibit Exhibit 10B, # 13 Exhibit Exhibit 11, # 14 Exhibit Exhibit 12A, # 15 Exhibit Exhibit 12B, # 16 Exhibit Exhibit 13, # 17 Exhibit Exhibit 14A, # 18 Exhibit Exhibit 14B, # 19 Exhibit Exhibit 15, # 20 Exhibit Exhibit 16A, # 21 Exhibit Exhibit 16B, # 22 Exhibit Exhibit 17, # 23 Exhibit Exhibit 18)(Related document(s) 109) (Bernstein, Erin) (Filed on 7/23/2009) (Entered: 07/23/2009)
07/23/2009	112	Proposed Order re 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities [Proposed]</i> <i>Order Granting Motion to Intervene</i> by City and County of San Francisco. (Bernstein, Erin) (Filed on 7/23/2009) (Entered: 07/23/2009)
07/24/2009	128	MOTION to File Amicus Curiae Brief filed by Mark S. Shirlau. (gsa, COURT STAFF) (Filed on 7/24/2009) (Entered: 08/07/2009)
07/24/2009	129	Brief re 128 MOTION to File Amicus Curiae Brief filed by Mark S. Shirlau. (Attachments: # 1 2nd half of brief)(Related document(s) 128) (gsa, COURT STAFF) (Filed on 7/24/2009) (Entered: 08/07/2009)
07/28/2009	113	Statement of Non-Opposition re 79 MOTION to Intervene filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Related document(s) 79) (Mennemeier, Kenneth) (Filed on 7/28/2009) (Entered: 07/28/2009)
07/28/2009	114	Statement of Non-Opposition re 91 MOTION to Intervene filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Related document(s) 91) (Mennemeier, Kenneth) (Filed on 7/28/2009) (Entered: 07/28/2009)
07/28/2009	115	Statement of Non-Opposition re 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Related document(s) 109) (Mennemeier, Kenneth) (Filed on 7/28/2009) (Entered: 07/28/2009)
07/28/2009	116	Statement of Non-Opposition re 91 MOTION to Intervene <i>Defendant Patrick O'Connell's Statement of Non-Opposition to Motion to Intervene Filed by Campaign</i>

		<i>for California Families</i> filed by Patrick O'Connell. (Attachments: # 1 Certificate of Service)(Related document(s) 91) (Kolm, Claude) (Filed on 7/28/2009) (Entered: 07/28/2009)
07/28/2009	117	Statement of Non-Opposition re 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> filed by Defendant Patrick O'Connell's Statement of Non-Opposition to Motion to Intervene Filed by the City and County of San Francisco filed by Patrick O'Connell. (Attachments: # 1 Certificate of Service)(Related document(s) 109) (Kolm, Claude) (Filed on 7/28/2009) (Entered: 07/28/2009)
07/29/2009	118	*** FILED IN ERROR. PLEASE SEE DOCKET # 121 . *** MOTION to Intervene <i>OF THE CITY AND COUNTY OF SAN FRANCISCO</i> filed by Edmund G. Brown, Jr. Motion Hearing set for 8/19/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Pachter, Tamar) (Filed on 7/29/2009) Modified on 7/29/2009 (feriab, COURT STAFF). Modified on 7/30/2009 (ewn, COURT STAFF). (Entered: 07/29/2009)
07/29/2009	119	*** FILED IN ERROR. PLEASE SEE DOCKET # 122 . *** MOTION to Intervene <i>OF CAMPAIGN FOR CALIFORNIA FAMILIES</i> filed by Edmund G. Brown, Jr. Motion Hearing set for 8/19/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Pachter, Tamar) (Filed on 7/29/2009) Modified on 7/29/2009 (feriab, COURT STAFF). Modified on 7/30/2009 (ewn, COURT STAFF). (Entered: 07/29/2009)
07/29/2009	120	CERTIFICATE OF SERVICE by Edmund G. Brown, Jr (Pachter, Tamar) (Filed on 7/29/2009) (Entered: 07/29/2009)
07/29/2009	121	Statement of Non-Opposition re 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> filed by Edmund G. Brown, Jr. (Related document(s) 109) (Pachter, Tamar) (Filed on 7/29/2009) (Entered: 07/29/2009)
07/29/2009	122	Statement of Non-Opposition re 91 MOTION to Intervene filed by Edmund G. Brown, Jr. (Related document(s) 91) (Pachter, Tamar) (Filed on 7/29/2009) (Entered: 07/29/2009)
08/03/2009	123	Statement re 79 MOTION to Intervene <i>Statement of No Position</i> by Dean C. Logan. (Whitehurst, Judy) (Filed on 8/3/2009) (Entered: 08/03/2009)
08/03/2009	124	Statement re 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities - Statement of No Position</i> by Dean C. Logan. (Whitehurst, Judy) (Filed on 8/3/2009) (Entered: 08/03/2009)
08/03/2009	125	Statement re 91 MOTION to Intervene - <i>Statement of No Position</i> by Dean C. Logan. (Whitehurst, Judy) (Filed on 8/3/2009) (Entered: 08/03/2009)
08/03/2009	130	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611035060.) filed by Campaign for California Families. (gsa, COURT STAFF) (Filed on 8/3/2009) (Entered: 08/07/2009)
08/03/2009	131	Proposed Order - Rena M. Lindecaldsen re 130 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611035060.) by Campaign for California Families. (gsa, COURT STAFF) (Filed on 8/3/2009) (Entered: 08/07/2009)

08/07/2009	126	CASE MANAGEMENT STATEMENT <i>Joint Case Management Statement filed by Dean C. Logan and Patrick O'Connell</i> filed by Dean C. Logan. (Whitehurst, Judy) (Filed on 8/7/2009) (Entered: 08/07/2009)
08/07/2009	127	CASE MANAGEMENT STATEMENT <i>Case Management Statement of The Attorney General</i> filed by Edmund G. Brown, Jr. (Pachter, Tamar) (Filed on 8/7/2009) (Entered: 08/07/2009)
08/07/2009	132	CASE MANAGEMENT STATEMENT filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Stroud, Andrew) (Filed on 8/7/2009) (Entered: 08/07/2009)
08/07/2009	133	NOTICE of Appearance by Tara Lynn Borelli (Borelli, Tara) (Filed on 8/7/2009) (Entered: 08/07/2009)
08/07/2009	134	CASE MANAGEMENT STATEMENT filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 8/7/2009) (Entered: 08/07/2009)
08/07/2009	135	Memorandum in Opposition re 79 MOTION to Intervene, 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> , 91 MOTION to Intervene filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Exhibit A)(Olson, Theodore) (Filed on 8/7/2009) (Entered: 08/07/2009)
08/07/2009	136	Memorandum in Opposition re 91 MOTION to Intervene filed by Edmund G. Brown, Jr, Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Exhibit Exh. A - Declaration of James A. Campbell, # 2 Exhibit Exh. B - VoteYesMarriage.com Amendment Comparison, # 3 Exhibit Exh. C - Bennet v. Brown, No. S164520, # 4 Exhibit Exh. D - 11/18/08 Letter Brief to the California Supreme Court)(Cooper, Charles) (Filed on 8/7/2009) Modified on 8/10/2009 (gsa, COURT STAFF). Modified on 8/10/2009 (gsa, COURT STAFF). (Entered: 08/07/2009)
08/07/2009	137	Memorandum in Opposition re 109 MOTION to Intervene <i>Notice of Motion and Motion to Intervene as Party Plaintiff; Memorandum of Points and Authorities</i> filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 8/7/2009) Modified on 8/10/2009 (gsa, COURT STAFF). Modified on 8/10/2009 (gsa, COURT STAFF). (Entered: 08/07/2009)
08/07/2009	138	Memorandum in Opposition re 79 MOTION to Intervene filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 8/7/2009) Modified on 8/10/2009 (gsa, COURT STAFF). Modified on 8/10/2009 (gsa, COURT STAFF). (Entered: 08/07/2009)
08/07/2009	139	Statement of <i>Case Management</i> by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 8/7/2009) (Entered: 08/07/2009)

08/11/2009	140	ORDER by Judge Vaughn R Walker granting doc 130 Motion Application for Admission of Attorney Rena M Lindevaldsen Pro Hac Vice representing proposed intervenor The Campaign. (cgk, COURT STAFF) (Filed on 8/11/2009) (Entered: 08/11/2009)
08/12/2009	141	ORDER to submit joint or separate case management statements not later than August 17, 2009 at noon PDT. (vrwlc1, COURT STAFF) (Filed on 8/12/2009) (Entered: 08/12/2009)
08/12/2009	142	NOTICE of Change of Address by Jordan W. Lorence (Lorence, Jordan) (Filed on 8/12/2009) (Entered: 08/12/2009)
08/12/2009	143	NOTICE of Change of Address by Austin R. Nimocks (Nimocks, Austin) (Filed on 8/12/2009) (Entered: 08/12/2009)
08/13/2009	144	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>and Certificate of Service</i> (Kolm, Claude) (Filed on 8/13/2009) (Entered: 08/13/2009)
08/13/2009	145	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) re 144 ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>and Certificate of Service</i> re document 144 (Kolm, Claude) (Filed on 8/13/2009) (Entered: 08/13/2009)
08/13/2009	146	NOTICE of Appearance by Danny Yeh Chou (Chou, Danny) (Filed on 8/13/2009) (Entered: 08/13/2009)
08/14/2009	147	Reply Memorandum re 91 MOTION to Intervene filed by Campaign for California Families. (McAlister, Mary) (Filed on 8/14/2009) (Entered: 08/14/2009)
08/14/2009	148	RESPONSE in Support <i>CITY AND COUNTY OF SAN FRANCISCO'S REPLY IN SUPPORT OF ITS MOTION TO INTERVENE AS PARTY PLAINTIFF</i> filed by City and County of San Francisco. (Chou, Danny) (Filed on 8/14/2009) (Entered: 08/14/2009)
08/14/2009	149	RESPONSE in Support of <i>Motion to Intervene</i> filed by ACLU Foundation of Northern California. (Gill, Elizabeth) (Filed on 8/14/2009) (Entered: 08/14/2009)
08/14/2009	150	ASSOCIATION of Counsel <i>Gary G. Kreep</i> by Campaign for California Families. (McAlister, Mary) (Filed on 8/14/2009) (Entered: 08/14/2009)
08/17/2009	151	CASE MANAGEMENT STATEMENT filed by Campaign for California Families. (McAlister, Mary) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/17/2009	152	CASE MANAGEMENT STATEMENT (<i>Supplemental</i>) filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/17/2009	153	CASE MANAGEMENT STATEMENT <i>ATTORNEY GENERAL'S SUPPLEMENTAL CASE MANAGEMENT STATEMENT</i> filed by Edmund G. Brown, Jr. (Attachments: # 1 certificate of service)(Pachter, Tamar) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/17/2009	154	AMENDED 7/2/2009 CASE MANAGEMENT CIVIL MINUTE ORDER. (Court Reporter Sahar McVickar.) (cgk, COURT STAFF) (Date Filed: 8/17/2009) (Entered: 08/17/2009)
08/17/2009	155	CASE MANAGEMENT STATEMENT (<i>Supplemental</i>) filed by Dean C. Logan. (Whitehurst, Judy) (Filed on 8/17/2009) (Entered: 08/17/2009)

08/17/2009	156	CASE MANAGEMENT STATEMENT <i>Supplemental Case Management Statement of Defendant Patrick O'Connell, Clerk-Recorder of Alameda County and Certificate of Service</i> filed by Patrick O'Connell. (Kolm, Claude) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/17/2009	157	CASE MANAGEMENT STATEMENT (<i>Supplemental</i>) filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Exhibit A)(Olson, Theodore) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/17/2009	158	CASE MANAGEMENT STATEMENT filed by ACLU Foundation of Northern California. (Gill, Elizabeth) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/17/2009	159	CASE MANAGEMENT STATEMENT (<i>Supplemental</i>) filed by Dennis Hollingsworth. (Attachments: # 1 Exhibit A -- Proposed Stipulations, # 2 Exhibit B -- Responses to Proposed Stipulations)(Cooper, Charles) (Filed on 8/17/2009) (Entered: 08/17/2009)
08/18/2009	163	MOTION for leave to appear in Pro Hac Vice, Mathew D. Staver, Esq., (Filing fee \$ 210, receipt number 346110035676.) filed by Campaign for California Families. (sis, COURT STAFF) (Filed on 8/18/2009) (Entered: 08/24/2009)
08/19/2009	160	Minute Entry: Motion Hearing held on 8/19/2009 before Chief Judge Vaughn R Walker. PROCEEDINGS and RESULTS: The Court heard argument from counsels and ruled as follows: 1. Motion to intervene as party plaintiffs filed by the Our Family coalition, Doc #79 - denied. 2. Motion for intervention as intervenor-defendant filed by Campaign for California Families, Doc # 91 - denied. 3. Motion to intervene filed by City and County of San Francisco, Doc #109 - granted in part to allow San Francisco to present issue of alleged effect on governmental interests. 4. Trial setting and scheduling as follows: a). Designation of witnesses presenting evidence under FRE 702, 703 or 705 and production of written reports pursuant to FRCP 26(a)(2)(B): October 2, 2009; b). Dispositive motions to be served and filed so as to be heard on October 14, 2009 at 10 AM; c). Completion of all discovery, except for evidence intended solely to contradict or rebut evidence on the same subject matter identified by another party under FRCP 26(a)(2)(B): November 30, 2009; d). Completion of discovery on the same subject matter identified by another party under FRCP 26(a)(2)(B): December 31, 2009; see FRCP 26(a)(2)(C)(ii); e). Pretrial conference: December 16, 2009 at 10 AM; f). Trial: January 11, 2010 at 8:30 AM. 5. With respect to any disputes regarding discovery, counsel are directed to comply with Civ LR 37-1(b) and the court's standing order 1.5. 6. In the absence of the assigned judge, counsel are directed to bring any discovery disputes before Magistrate Judge Joseph C Spero. (Court Reporter Belle Ball.) (cgk, COURT STAFF) (Date Filed: 8/19/2009) (Entered: 08/19/2009)
08/19/2009		Set/Reset Hearings: Motion Hearing set for 10/14/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. Pretrial Conference set for 12/16/2009 10:00 AM. Trial set for 1/11/2010 08:30 AM in Courtroom 6, 17th Floor, San Francisco. (cgk, COURT STAFF) (Filed on 8/19/2009) (Entered: 08/19/2009)
08/20/2009	161	COMPLAINT <i>in Intervention for Declaratory, Injunctive or Other Relief</i> against Edmund G. Brown, Jr, Mark B. Horton, Arnold Schwarzenegger, Linette Scott (Filing fee \$ 350.). Filed by City and County of San Francisco. (Flynn, Ronald) (Filed on 8/20/2009) (Entered: 08/20/2009)

08/21/2009	162	Transcript of Proceedings held on August 19, 2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Belle Ball, CSR, RMR, CRR, Telephone number (415)373-2529, belle_ball@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 11/16/2009. (Ball, Belle) (Filed on 8/21/2009) (Entered: 08/21/2009)
08/24/2009	164	PRETRIAL SCHEDULING ORDER. Signed by Judge Vaughn R Walker on 8/21/2009. (cgk, COURT STAFF) (Filed on 8/24/2009) (Entered: 08/24/2009)
08/26/2009	168	NOTICE OF APPEAL re 160 Civil Minute Order by Campaign for California Families. Filing fee \$ 455.00. Receipt Number 34611035917. (Attachments: # 1 Civil Appeals Docketing Statement, # 2 Representation Statement) (gba, COURT STAFF) (Filed on 8/26/2009) (Entered: 09/02/2009)
08/28/2009	165	ANSWER to Complaint by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 8/28/2009) (Entered: 08/28/2009)
08/28/2009	166	ANSWER to Complaint <i>in intervention</i> by Edmund G. Brown, Jr. (Pachter, Tamar) (Filed on 8/28/2009) (Entered: 08/28/2009)
09/02/2009	167	STIPULATION <i>to Extend Time for the Administration Defendants to File and Serve Answer to Complaint in Intervention</i> by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 9/2/2009) (Entered: 09/02/2009)
09/02/2009	171	MOTION for Admission of Attorney Nicole J. Moss Pro Hac Vice (Filing fee \$ 210.00, receipt number 34611036190) filed by Campaign for California Families, Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Lavender Seniors of the East Bay, Our Family Coalition, Parents, Families, and Friends of Lesbians and Gays, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (gba, COURT STAFF) (Filed on 9/2/2009) (Entered: 09/09/2009)
09/02/2009	192	ORDER by Judge Vaughn R Walker granting doc 163 Motion Application for Admission of Attorney Mathew D. Staver Pro Hac Vice representing Proposed Intervenor. (cgk, COURT STAFF) (Filed on 9/2/2009) (Entered: 09/21/2009)
09/04/2009	169	<i>The Administration's</i> ANSWER to Complaint <i>in Intervention for Declaratory, Injunctive or Other Relief</i> by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 9/4/2009) (Entered: 09/04/2009)
09/04/2009	170	STIPULATION AND ORDER granting a two-day extension of time in which to file its answer to the City's Complaint in intervention for declaratory, injunctive or other relief, re doc 167 filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. Signed by Judge Vaughn R Walker on 9/4/2009. (cgk, COURT STAFF) (Filed on 9/4/2009) (Entered: 09/04/2009)
09/09/2009	172	MOTION for Leave to File Excess Pages filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A

		Project of California Renewal, Hak-Shing William Tam. Motion Hearing set for 10/14/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Attachment 1 - Defendant-Intervenors' Notice of Motion and Motion for Summary Judgment, and Memorandum of Points and Authorities in Support of Motion for Summary Judgment, # 2 Exhibit A -- D.C. Superior Court Opinion, # 3 Exhibit B -- California Laws, # 4 Exhibit C -- AG Brown Brief, # 5 Exhibit D -- AB 205 Legislative History, # 6 Proposed Order Granting Motion to Exceed Page Limit, # 7 Proposed Order Granting Motion for Summary Judgment)(Cooper, Charles) (Filed on 9/9/2009) (Entered: 09/09/2009)
09/09/2009	173	Declaration of Nicole J. Moss in Support of 172 MOTION for Leave to File Excess Pages filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Related document(s) 172) (Cooper, Charles) (Filed on 9/9/2009) (Entered: 09/09/2009)
09/10/2009	174	Memorandum in Opposition re 172 MOTION for Leave to File Excess Pages filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/10/2009	175	Letter from Charles J. Cooper to <i>Court re Request for Leave to File Mot. for Protective Order</i> . (Attachments: # 1 Enclosure (RFPs), # 2 Enclosure (Ltr.), # 3 Enclosure (Ltr.))(Cooper, Charles) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/10/2009	176	Declaration of Matthew D. McGill in Support of 174 Memorandum in Opposition of <i>Motion for Administrative Leave to Exceed Page Limitations</i> filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Related document(s) 174) (Olson, Theodore) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/10/2009	177	Proposed Order re 174 Memorandum in Opposition to <i>Motion for Administrative Leave to Exceed Page Limitations</i> by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/10/2009	178	ORDER clarifying discovery dates. (vrwl1, COURT STAFF) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/10/2009	179	Memorandum in Opposition <i>City and County of San Francisco's Opposition to Defendant-Intervenors' Motion for Administrative Leave to Exceed Page Limitations</i> filed by City and County of San Francisco. (Flynn, Ronald) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/10/2009	180	Declaration of Therese M. Stewart in Support of 179 Memorandum in Opposition, <i>Declaration of Therese M. Stewart re City and County of San Francisco's Opposition to Defendant-Intervenors' Motion for Administrative Leave to Exceed Page Limitations</i> filed by City and County of San Francisco. (Related document(s) 179) (Flynn, Ronald) (Filed on 9/10/2009) (Entered: 09/10/2009)
09/11/2009	181	Letter from Ethan D. Dettmer re <i>Request for Leave to File Mot. for Protective Order</i> . (Dettmer, Ethan) (Filed on 9/11/2009) (Entered: 09/11/2009)
09/11/2009	182	Letter from Therese M. Stewart. (Flynn, Ronald) (Filed on 9/11/2009) (Entered: 09/11/2009)
09/11/2009	183	ORDER re 172 GRANTING defendant-intervenors' motion for leave to file their motion papers. (vrwl1, COURT STAFF) (Filed on 9/11/2009) (Entered: 09/11/2009)

09/11/2009	184	ORDER re 175 181 182 . Defendant-intervenors shall file motion for protective order not later than 9/15/09. Plaintiffs shall file their opposition not later than 9/18/09. Defendant-intervenors may file a reply not later than 9/22/09. The court will hear the matter on 9/25/09 at 10AM. (vrwl1, COURT STAFF) (Filed on 9/11/2009) (Entered: 09/11/2009)
09/11/2009	185	MOTION for leave to appear in Pro Hac Vice of Richard J. Bettan (Filing fee \$ 210, receipt number 34611036579.) filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Proposed Order)(far, COURT STAFF) (Filed on 9/11/2009) (Entered: 09/14/2009)
09/11/2009	186	MOTION for leave to appear in Pro Hac Vice of Joshua Schiller (Filing fee \$ 210, receipt number 34611036577.) filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Proposed Order)(far, COURT STAFF) (Filed on 9/11/2009) (Entered: 09/14/2009)
09/15/2009		NOTICE of Hearing: Hearing on Defendant-Intervenors' motion for leave to file a motion for a protective order, doc #175, set for 9/25/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (cgk, COURT STAFF) (Filed on 9/15/2009) (Entered: 09/15/2009)
09/15/2009	187	MOTION for Protective Order filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. Motion Hearing set for 9/25/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Exhibit A -- Reply Br. for Aplt., Citizens United v. FEC, # 2 Exhibit B -- Prentice Declaration, # 3 Exhibit C -- Plaintiffs' First Set of Requests for Production, # 4 Exhibit D -- Defendant-Intervenors' Response to Plaintiffs' First Set of Requests for Production, # 5 Exhibit E -- Letter of August 27, 2009, # 6 Exhibit F -- Letter of August 31, 2009, # 7 Exhibit G -- Moss Declaration, # 8 Exhibit H -- Doe v. Reec Opinion, # 9 Exhibit I -- Schubert Declaration, # 10 Exhibit J -- Jannson Declaration, # 11 Exhibit K -- Articles Discussing Negative Effects of Public Disclosure, # 12 Exhibit L -- Tam Declaration, # 13 Exhibit M -- Toupis Declaration, # 14 Proposed Order)(Cooper, Charles) (Filed on 9/15/2009) (Entered: 09/15/2009)
09/15/2009	188	MOTION for leave to appear in Pro Hac Vice of Rosanne C. Baxter (Filing fee \$ 210, receipt number 34611036688.) filed by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Proposed Order)(far, COURT STAFF) (Filed on 9/15/2009) (Entered: 09/16/2009)
09/16/2009	189	USCA Case Number 09-16959 9th Circuit for 168 Notice of Appeal, filed by Campaign for California Families. (far, COURT STAFF) (Filed on 9/16/2009) (Entered: 09/16/2009)
09/17/2009	190	STIPULATION AND [PROPOSED] ORDER RE DISCOVERY OF EXPERT WITNESSES by Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Monagas, Enrique) (Filed on 9/17/2009) (Entered: 09/17/2009)
09/18/2009	191	Memorandum in Opposition re 187 MOTION for Protective Order filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Olson, Theodore) (Filed on 9/18/2009) (Entered: 09/18/2009)

09/21/2009	193	ORDER by Judge Vaughn R Walker granting doc 188 Motion Application for Admission of Attorney Rosanne C. Baxter Pro Hac Vice representing Plaintiffs. (cgk, COURT STAFF) (Filed on 9/21/2009) (Entered: 09/21/2009)
09/21/2009	194	Statement of Non-Opposition to 187 <i>Defendant-Intervenors' Motion for Protective Order</i> filed by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 9/21/2009) Modified on 9/22/2009 (far, COURT STAFF). (Entered: 09/21/2009)
09/21/2009	195	Letter from The Administration <i>Formal Written Request to Appear by Telephone at the Hearing on Defendant-Intervenors' Motion for Protective Order</i> . (Mennemeier, Kenneth) (Filed on 9/21/2009) (Entered: 09/21/2009)
09/22/2009	196	STIPULATION AND ORDER REGARDING DISCOVERY OF EXPERT WITNESSES re doc 190 filed by Sandra B. Stier, Jeffrey J. Zarrillo, Paul T. Katami, Kristin M. Perry. Signed by Chief Judge Vaughn R Walker on 9/22/2009. (cgk, COURT STAFF) (Filed on 9/22/2009) (Entered: 09/22/2009)
09/22/2009	197	Reply Memorandum re 187 MOTION for Protective Order filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, Hak-Shing William Tam. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F)(Cooper, Charles) (Filed on 9/22/2009) (Entered: 09/22/2009)
09/22/2009	198	MOTION for leave to appear in Pro Hac Vice of Jesse Panuccio (Filing fee \$ 210, receipt number 34611036917.) filed by Campaign for California Families, Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Proposed Order)(far, COURT STAFF) (Filed on 9/22/2009) (Entered: 09/23/2009)
09/23/2009	199	Statement in Response to <i>Defendant-Intervenors' Motion for Summary Judgment</i> by Mark B. Horton, Arnold Schwarzenegger, Linette Scott. (Mennemeier, Kenneth) (Filed on 9/23/2009) (Entered: 09/23/2009)
09/23/2009	200	Joinder <i>Defendant Attorney General's Joinder in Plaintiffs and Plaintiff-Intervenors Opposition to Motion for Summary Judgment</i> by Edmund G. Brown, Jr. (Attachments: # 1 Certificate of Service)(Burns, Gordon) (Filed on 9/23/2009) (Entered: 09/23/2009)
09/23/2009	201	AMENDED DOCUMENT by Edmund G. Brown, Jr. Amendment to 200 Joinder <i>Amended Certificate of Service</i> . (Burns, Gordon) (Filed on 9/23/2009) (Entered: 09/23/2009)
09/23/2009	202	Memorandum in Opposition to <i>Defendant-Intervenors' Motion for Summary Judgment</i> filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 9/23/2009) (Entered: 09/23/2009)
09/23/2009	203	Declaration of Christopher D. Dusseault in Support of 202 Memorandum in Opposition to <i>Defendant-Intervenors' Motion for Summary Judgment</i> filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Related document(s) 202) (Olson, Theodore) (Filed on 9/23/2009) (Entered: 09/23/2009)

09/23/2009	204	Declaration of Enrique A. Monagas in Support of 202 Memorandum in Opposition filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N)(Related document(s) 202) (Olson, Theodore) (Filed on 9/23/2009) (Entered: 09/24/2009)
09/25/2009	205	ORDER by Judge Vaughn R Walker granting doc 171 Motion Application for Admission of Attorney Nicole J. Moss Pro Hac Vice representing Intervenor Defendants. (cgk, COURT STAFF) (Filed on 9/25/2009) (Entered: 09/25/2009)
09/25/2009	206	ORDER by Judge Vaughn R Walker granting doc 185 Motion Application for Admission of Attorney Richard J. Bettan Pro Hac Vice representing Plaintiffs. (cgk, COURT STAFF) (Filed on 9/25/2009) (Entered: 09/25/2009)
09/25/2009	207	ORDER by Judge Vaughn R Walker granting doc 186 Motion Application for Admission of Attorney Joshua Schiller Pro Hac Vice representing Plaintiffs. (cgk, COURT STAFF) (Filed on 9/25/2009) (Entered: 09/25/2009)
09/25/2009	208	MOTION for Leave to File Excess Pages filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. Motion Hearing set for 10/14/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Declaration of Nicole Jo Moss)(Cooper, Charles) (Filed on 9/25/2009) (Entered: 09/25/2009)
09/28/2009	209	ORDER granting 208 Motion for Leave to File Excess Pages. Proponents' reply shall not exceed 25 pages. (vrwl1, COURT STAFF) (Filed on 9/28/2009) (Entered: 09/28/2009)
09/29/2009	210	ORDER by Judge Vaughn R Walker granting doc 198 Motion Application for Admission of Attorney Jesse Panuccio Pro Hac Vice representing Defendant-Intervenors. (cgk, COURT STAFF) (Filed on 9/29/2009) (Entered: 09/29/2009)
09/29/2009	211	Minute Entry: Discovery Hearing re leave to file motion for protective order held on 9/25/2009 before Chief Judge Vaughn R Walker (Date Filed: 9/29/2009). (Court Reporter Kelly Bryce.) (cgk, COURT STAFF) (Date Filed: 9/29/2009) (Entered: 09/29/2009)
09/30/2009	212	Transcript of Proceedings held on 09/25/09, before Judge Vaughn R. Walker. Court Reporter/Transcriber Kelly Bryce, E-mail courtreporter232@aol.com Telephone number (510)828-9404. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 12/28/2009. (Bryce, Kelly) (Filed on 9/30/2009) (Entered: 09/30/2009)
09/30/2009	213	Reply Memorandum re 172 MOTION for Leave to File Excess Pages and Defendant-Intervenors' Notice of Motion and Motion for Summary Judgment, and Memorandum of Points and Authorities in Support of Motion for Summary Judgment filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William

		Tam. (Cooper, Charles) (Filed on 9/30/2009) (Entered: 09/30/2009)
10/01/2009	214	ORDER granting in part and denying in part 187 Motion for Protective Order (vrwlc1, COURT STAFF) (Filed on 10/1/2009) (Entered: 10/01/2009)
10/02/2009	215	Letter from Christopher Dusseault <i>to the Honorable Chief Judge Walker.</i> (Piepmeier, Sarah) (Filed on 10/2/2009) (Entered: 10/02/2009)
10/02/2009	216	MOTION TO REALIGN DEFENDANT ATTORNEY GENERAL EDMUND G. BROWN filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. Motion Hearing set for 1/7/2010 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Proposed Order)(Cooper, Charles) (Filed on 10/2/2009) (Entered: 10/02/2009)
10/02/2009	217	Declaration of Jesse Panuccio in Support of 216 MOTION TO REALIGN DEFENDANT ATTORNEY GENERAL EDMUND G. BROWN filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B)(Related document(s) 216) (Cooper, Charles) (Filed on 10/2/2009) (Entered: 10/02/2009)
10/05/2009	218	Letter from Charles J. Cooper <i>to The Honorable Chief Judge Walker.</i> (Cooper, Charles) (Filed on 10/5/2009) (Entered: 10/05/2009)
10/05/2009	219	ORDER of USCA as to 168 Notice of Appeal, filed by Campaign for California Families (far, COURT STAFF) (Filed on 10/5/2009) (Entered: 10/05/2009)
10/08/2009	220	MOTION to Stay <i>Pending Appeal and/or Petition for Writ of Mandamus</i> filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. Motion Hearing set for 1/7/2010 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # 1 Exhibit A - Declaration of Jesse Panuccio, # 2 Proposed Order)(Cooper, Charles) (Filed on 10/8/2009) Modified on 10/9/2009 (ewn, COURT STAFF). (Entered: 10/08/2009)
10/09/2009	221	ERRONEOUSLY E-FILED, DISREGARD - SEE DOC 222 NOTICE by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, Proposition 8 Official Proponents, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam <i>of Appeal</i> (Cooper, Charles) (Filed on 10/9/2009) Modified on 10/9/2009 (ewn, COURT STAFF). Modified on 10/9/2009 (far, COURT STAFF). (Entered: 10/09/2009)
10/09/2009	222	NOTICE OF APPEAL as to 214 Order on Motion for Protective Order by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. Filing fee \$ 455, Receipt Number 34611037633.(far, COURT STAFF) (Filed on 10/9/2009) (Entered: 10/09/2009)
10/13/2009	223	*** FILED IN ERROR. REFER TO DOCUMENT 225 . *** Memorandum in Opposition re 220 MOTION to Stay <i>Pending Appeal and/or Petition for Writ of Mandamus</i> filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 10/13/2009) Modified on 10/14/2009 (feriab, COURT STAFF). (Entered: 10/13/2009)

10/13/2009	224	Declaration of Christopher D. Dusseault in Support of 223 Memorandum in Opposition, <i>TO DEFENDANT-INTERVENORS MOTION FOR A STAY PENDING APPEAL AND/OR PETITION FOR WRIT OF MANDAMUS</i> filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Related document(s) 223) (Olson, Theodore) (Filed on 10/13/2009) (Entered: 10/13/2009)
10/13/2009	225	Memorandum in Opposition re 220 MOTION to Stay Pending Appeal and/or Petition for Writ of Mandamus <i>CORRECTION OF DOCKET # 223</i> . filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 10/13/2009) (Entered: 10/13/2009)
10/14/2009	226	Minute Entry: Motion Hearing held on 10/14/2009 before Chief Judge Vaughn R Walker re doc 172 Defendant Intervenors' MOTION for summary judgment. PROCEEDINGS: 1. Defendant-intervenors' motion for summary judgment, Doc #172 - denied. 2. Defendant-intervenors shall file their reply memorandum in support of the motion to stay, Doc #220, not later than October 16, 2009. The court will submit the matter on the papers or hear argument by telephone as necessary. 3. Plaintiffs and the Attorney General shall file their oppositions to defendant-intervenors motion to realign the Attorney General, Doc #216, not later than October 28, 2009. Defendant-intervenors shall file their reply not later than November 4, 2009. The matter will be submitted on the papers. (Court Reporter Lydia Zinn.) (cgk, COURT STAFF) (Date Filed: 10/14/2009) (Entered: 10/14/2009)
10/15/2009	227	*** FILED IN ERROR. REFER TO DOCUMENT 228 . *** Transcript of Proceedings held on 10/14/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/11/2010. (Zinn, Lydia) (Filed on 10/15/2009) Modified on 10/15/2009 (feriab, COURT STAFF). (Entered: 10/15/2009)
10/15/2009	228	Transcript of Proceedings held on 10/14/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/11/2010. (Zinn, Lydia) (Filed on 10/15/2009) (Entered: 10/15/2009)
10/15/2009	229	Copy of Notice of Appeal and Docket sheet mailed to all counsel (Attachments: # 1 docket sheet)(far, COURT STAFF) (Filed on 10/15/2009) (Entered: 10/15/2009)
10/15/2009	230	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 222 Notice of Appeal, (Attachments: # 1 Docket Sheet, # 2 Cover Letter, # 3 USCA Appeal Notification Form)(far, COURT STAFF) (Filed on 10/15/2009) (Entered: 10/15/2009)

10/15/2009	231	Certificate of Record forwarded to USCA re 222 Notice of Appeal (far, COURT STAFF) (Filed on 10/15/2009) (Entered: 10/15/2009)
10/15/2009	232	USCA Case Number 09-17241 9th Circuit for 222 Notice of Appeal, filed by Hak-Shing William Tam, Dennis Hollingsworth, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Mark A. Jansson, Martin F. Gutierrez, Gail J. Knight. (far, COURT STAFF) (Filed on 10/15/2009) (Entered: 10/15/2009)
10/16/2009	233	REPLY to Response to Motion re 220 MOTION to Stay <i>Pending Appeal and/or Petition for Writ of Mandamus</i> filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 10/16/2009) (Entered: 10/16/2009)
10/20/2009	234	USCA Case Number 09-17241 9th Circuit for 222 Notice of Appeal, filed by Hak-Shing William Tam, Dennis Hollingsworth, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Mark A. Jansson, Martin F. Gutierrez, Gail J. Knight. (far, COURT STAFF) (Filed on 10/20/2009) (Entered: 10/20/2009)
10/21/2009	235	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d <i>in support of Joint Opposition to Defendant-Intervenors Motion for a Stay Pending Appeal and/or Petition for Writ of Mandamus</i> filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Attachments: # 1 Exhibit A)(Related document(s) 225) (Olson, Theodore) (Filed on 10/21/2009) (Entered: 10/21/2009)
10/23/2009	236	Letter from Plaintiffs <i>per Paragraph 1.5 of the Court's Standing Orders</i> . (Attachments: # 1 Attachment to Letter to The Hon. Vaughn R. Walker)(Dettmer, Ethan) (Filed on 10/23/2009) (Entered: 10/23/2009)
10/23/2009	237	ORDER denying 220 Motion to Stay (vrwl1, COURT STAFF) (Filed on 10/23/2009) (Entered: 10/23/2009)
10/28/2009	238	Letter from Charles J. Cooper. (Attachments: # 1 Exhibit A)(Cooper, Charles) (Filed on 10/28/2009) (Entered: 10/28/2009)
10/28/2009	239	Memorandum in Opposition re 216 MOTION TO REALIGN DEFENDANT ATTORNEY GENERAL EDMUND G. BROWN filed by Edmund G. Brown, Jr. (Attachments: # 1 DECLARATION OF TAMAR PACTER)(Pachter, Tamar) (Filed on 10/28/2009) (Entered: 10/28/2009)
10/28/2009	240	Memorandum in Opposition re 216 MOTION TO REALIGN DEFENDANT ATTORNEY GENERAL EDMUND G. BROWN filed by City and County of San Francisco, Paul T. Katami, Kristin M. Perry, Sandra B. Stier, Jeffrey J. Zarrillo. (Olson, Theodore) (Filed on 10/28/2009) (Entered: 10/28/2009)
10/28/2009	241	CLERKS NOTICE : Telephone conference re discovery scheduled for 11/2/2009 at 2:30 PM. (cgk, COURT STAFF) (Filed on 10/28/2009) (Entered: 10/28/2009)
10/28/2009		Set/Reset Hearings: Telephonic Discovery Hearing set for 11/2/2009 02:30 PM. (cgk, COURT STAFF) (Filed on 10/28/2009) (Entered: 10/28/2009)
10/29/2009	242	Letter from Ethan D. Dettmer. (Dettmer, Ethan) (Filed on 10/29/2009) (Entered: 10/29/2009)

11/03/2009	243	*** FILED IN ERROR. PLEASE SEE DOCKET # 246 . *** Transcript of Proceedings held on 11/02/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/29/2010. (Zinn, Lydia) (Filed on 11/3/2009) Modified on 11/3/2009 (ewn, COURT STAFF). (Entered: 11/03/2009)
11/03/2009	244	*** FILED IN ERROR. PLEASE SEE DOCKET # 246 . *** Transcript of Proceedings held on 11/02/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 11/23/2009. (Zinn, Lydia) (Filed on 11/3/2009) Modified on 11/3/2009 (ewn, COURT STAFF). (Entered: 11/03/2009)
11/03/2009	245	*** FILED IN ERROR. PLEASE SEE DOCKET # 246 . *** Transcript of Proceedings held on 11/02/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/29/2010. (Zinn, Lydia) (Filed on 11/3/2009) Modified on 11/3/2009 (ewn, COURT STAFF). (Entered: 11/03/2009)
11/03/2009	246	Transcript of Proceedings held on 11/02/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/29/2010. (Zinn, Lydia) (Filed on 11/3/2009) (Entered: 11/03/2009)
11/03/2009	247	Minute Entry: TELEPHONIC Discovery Hearing held on 11/2/2009 before Chief Judge Vaughn R Walker (Date Filed: 11/3/2009). (Court Reporter Lydia Zinn.) (cgk, COURT STAFF) (Date Filed: 11/3/2009) (Entered: 11/03/2009)
11/04/2009	248	Reply Memorandum re 216 MOTION TO REALIGN DEFENDANT ATTORNEY GENERAL EDMUND G. BROWN filed by Martin F. Gutierrez, Dennis Hollingsworth, Mark A. Jansson, Gail J. Knight, ProtectMarriage.com - Yes on 8, A Project of California Renewal, Hak-Shing William Tam. (Cooper, Charles) (Filed on 11/4/2009) (Entered: 11/04/2009)

11/06/2009	249	Letter from Nicole J. Moss. (Cooper, Charles) (Filed on 11/6/2009) (Entered: 11/06/2009)
11/06/2009	250	Letter from Ethan D. Dettmer. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Dettmer, Ethan) (Filed on 11/6/2009) (Entered: 11/06/2009)
11/06/2009	251	NOTICE OF FILING of Sealed Documents For In Camera Review by Dennis Hollingsworth (far, COURT STAFF) (Filed on 11/6/2009) (Entered: 11/09/2009)
11/11/2009	252	ORDER re 251 in camera discovery review. (vrwlc1, COURT STAFF) (Filed on 11/11/2009) (Entered: 11/11/2009)

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Transaction Receipt			
11/12/2009 07:02:30			
PACER Login:	cc0358	Client Code:	333-0
Description:	Docket Report	Search Criteria:	3:09-cv-02292-VRW
Billable Pages:	18	Cost:	1.44