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## UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

## Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

9th Circuit Case Number(s):	10-16751	
District Court/Agency Case Number(s):	09-cv-2292 VRW	
District Court/Agency Location:	Northern District	
Case Name:	Kristin M. Perry, et al.	v. Arnold Schwarzenegger, et al.

Please briefly describe the dispute that gave rise to this lawsuit.

The lawsuit challenges Proposition 8, a California constitutional amendment, as being unconstitutional in violation of the Equal Protection Clause and the Due Process Clause of the United States Constitution.

(Please continue to next page.)

Briefly describe the procedural history, the result below, and the main issues on appeal.

After a trial on the merits, District Court Chief Judge Vaughn Walker held that Proposition 8 violated the Due Process and Equal Protection Clauses of the United States Constitution. Further, the District Court denied the County of Imperial's Motion to Intervene.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Ninth Circuit Case No. 10-16696 is a related case. Briefing and oral argument in the two cases have been coordinated and both cases have been expedited.

*(Please continue to next page.)*

Provide any other information that might affect the suitability of this case for mediation.

Due to the nature and complexity of this case, mediation will not be beneficial.

### CERTIFICATION OF COUNSEL

I certify that:

- a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).
- I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

## CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> day of August 2010, I caused the Mediation Questionnaire to be served on the following counsel a true and correct copy for the foregoing via electronic mail.

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