

1 DENNIS J. HERRERA, State Bar # 139669
 City Attorney
 2 WAYNE SNODGRASS, State Bar # 148137
 JON GIVNER, State Bar # 208000
 3 ANDREW SHEN, State Bar # 232499
 MOLLIE LEE, State Bar # 251404
 4 Deputy City Attorneys
 One Dr. Carlton B. Goodlett Place
 5 City Hall, Room 234
 San Francisco, California 94102-4682
 6 Telephone: (415) 554-4705
 Facsimile: (415) 554-4745
 7 E-Mail: mollie.lee@sfgov.org

8 Attorneys for Defendants
 Department of Elections - City and County of San Francisco and
 9 Dennis J. Herrera, City Attorney for the City and County of San Francisco

10 (Additional Counsel on next page)

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 12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA
 14 SACRAMENTO DIVISION

15 **ProtectMarriage.com, et al.,**
 16 Plaintiffs,
 17 vs.
 18 **Debra Bowen, et al.,**
 19 Defendants.

Case No. 2:09-CV-00058-MCE-DAD

**DECLARATION OF MOLLIE M. LEE IN
 SUPPORT OF MOTION TO MODIFY
 SCHEDULING ORDER TO EXTEND
 DEADLINES**

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1 EDMUND G. BROWN JR., State Bar # 37100
Attorney General of California
2 ZACKERY P. MORAZZINI, State Bar # 204237
Supervising Deputy Attorney General
1300 I Street, Suite 125
3 P. O. Box 944255
Sacramento, CA 94244-2550
4 Telephone: (916) 445-8226
Facsimile: (916) 324-5567
5 Zackery.Morazzini@doj.ca.gov

6 *Counsel for Defendants Debra Bowen, California Secretary of State, and Edmund G. Brown, Jr.,*
7 *California Attorney General*

8 SCOTT HALLABRIN, State Bar # 76662
General Counsel
9 LAWRENCE T. WOODLOCK, State Bar # 137676
Fair Political Practices Commission
10 428 J Street, Suite 620
Sacramento, CA 95814
11 Telephone: (916) 322-55660
Facsimile: (916) 327-2026
Lwoodlock@fppc.ca.gov

12 *Counsel for Defendants Members of the Fair Political Practices Commission*
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1 I, Mollie M. Lee, declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California. I am an attorney
3 at the Office of the San Francisco City Attorney, which represents Defendants City and County of San
4 Francisco and San Francisco City Attorney Dennis J. Herrera in this matter. I have personal
5 knowledge of the facts set forth in this declaration, and if called as a witness, I can and would testify
6 competently thereto.

7 2. Defendant Edmund G. Brown, California Attorney General, served his first sets of
8 interrogatories and requests for production of documents (“RFPs”) in this matter on October 30, 2009.
9 On November 30, 2009, Plaintiffs responded to the requests, but Plaintiffs produced no documents in
10 response to the RFPs and no privilege log with regard to either discovery demand. In a conference call
11 between the parties’ counsel on February 2, 2010, following correspondence from Defendants’
12 counsel, Plaintiffs’ counsel agreed to produce documents responsive to the RFPs, as well as a privilege
13 log, by March 1, 2010. However, on February 24, 2010, Plaintiffs informed Defendants that they
14 would not be able to produce responsive documents by the agreed-upon date, and Defendants agreed
15 to allow a rolling production. Over the next five weeks, Plaintiffs ultimately produced some
16 documents apparently responsive to three of the Attorney General’s 13 RFPs.

17 3. On or about March 23, 2010, my office received Plaintiffs’ final responses to the
18 discovery requests propounded by the Attorney General in this matter. On April 12, 2010, I spoke
19 with Plaintiffs’ counsel Sarah Troupis and requested dates that witnesses Ron Prentice and Brian
20 Brown would be available for deposition. Ms. Troupis informed me that she would contact her clients
21 and contact me with possible dates. On April 13, 2010, I sent a follow-up e-mail confirming this
22 request, a true and correct copy of which is attached hereto as **Exhibit A**.

23 4. I did not receive a response from Ms. Troupis by April 15, 2010. Because the Court’s
24 pre-trial order provides that fact discovery will close on May 14, 2010, I caused to be served on April
25 15, 2010 notices for the following depositions: deposition of ProtectMarriage.com under Federal Rule
26 of Civil Procedure 30(b)(6) commencing on April 29, 2010; deposition of Ron Prentice commencing
27 on April 29, 2010; depositions of National Organization for Marriage California and National
28 Organization for Marriage California PAC under Federal Rule of Civil Procedure 30(b)(6)

1 commencing on April 30, 2010; and deposition of Brian Brown commencing on April 30, 2010. A
2 true and correct copy of these notices is attached as **Exhibit B**.

3 5. On April 19 and 20, 2010, I received e-mails from Ms. Troupis stating that Plaintiffs'
4 witnesses are not available for depositions on any day before the close of fact discovery on May 14,
5 2010. A true and correct copy of these e-mails is attached as **Exhibit C**. Ms. Troupis proposed that
6 the witnesses could be available on May 27 and 28, but she offered these dates only "on the condition
7 that there be no requests to change the deadlines set forth in the scheduling order because these
8 depositions would fall outside the set time for discovery."

9 6. On April 22, 2010, I contacted Ms. Troupis to discuss Plaintiffs' position on extending
10 discovery deadlines. Ms. Troupis informed me that Plaintiffs were not open to any extension of
11 discovery deadlines and would not consent to a motion to shorten time on a hearing on Defendants'
12 request to extend discovery deadlines. A true and correct copy of an e-mail documenting this
13 communication is attached hereto as **Exhibit D**.

14 7. On April 22, 2010, Supervising Deputy Attorney General Zackery Morazzini circulated
15 a Joint Statement re Discovery Disagreement for Plaintiffs' review and response, with a request that
16 Plaintiffs respond by April 29, 2010. On information and belief, I expect that the Attorney General
17 will file this Joint Statement with the assigned magistrate judge within the next several days.

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

20 Executed April 27, 2010, at San Francisco, California.

21 s/Mollie Lee
22 _____
23 Mollie M. Lee
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