

**EXHIBIT B**

**TO**

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



**ProtectiveMarriage.com v. Bowen, Deposition Notices**

Pamela Cheeseborough to: stroupis, tcassidy, jwhitehurst,  
woodlock, Zackery.Morazzini

04/15/2010 02:16 PM

Cc: Mollie Lee

History

This message has been forwarded.

Counsel,

Attached please find the City's Notices of Depositions for ProtectMarriage.com, NOM-California, NOM-California PAC, Brian Brown and Ron Prentice for either April 29 or 30, 2010 commencing at 9:30 a.m., as reflected in the deposition notices. A courtesy copy will be served by mail to Defendant Dean Logan, Registrar-Recorder of Los Angeles County.

If you have any questions, please contact Mollie Lee, Deputy City Attorney directly at (415) 554-4705.

Thank you.



Notice of Depo ProtectMarriage.pdf



Notice of Depo NOM-CA PAC.pdf



Notice of Depo NOM-CA.pdf



Notice of Depo of Brian Brown.pdf



Notice of Depo of Ron Prentice.pdf

Pamela Cheeseborough  
Legal Secretary  
Office of San Francisco City Attorney Dennis J. Herrera  
1 Dr. Carlton B. Goodlett Place, Suite 325  
Telephone: (415) 554-4688

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)

11  
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.  
20  
21  
22  
23  
24

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

**DEFENDANTS DEPARTMENT OF  
ELECTIONS – CITY AND COUNTY OF SAN  
FRANCISCO AND DENNIS J. HERRERA'S  
NOTICE OF DEPOSITION OF  
PROTECTMARRIAGE.COM**

**Deposition Date: April 29, 2010**

**Location: Office of the Attorney General  
1300 I Street, Sacramento, California**

**Trial Date: March 14, 2011**

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  
Senior Commission Counsel  
Fair Political Practices Commission  
10 428 J Street, Suite 620  
Sacramento, CA 95814  
11 Telephone: (916) 322-55660  
Facsimile: (916) 327-2026  
12 Lwoodlock@fppc.ca.gov

13 *Counsel for Defendants Members of the Fair Political Practices Commission*

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6),  
3 Defendants Debra Bowen, Secretary of State for the State of California, in her official capacity;  
4 Edmund G. Brown, Jr., Attorney General for the State of California, in his official capacity;  
5 Department of Elections - City and County of San Francisco; Dennis J. Herrera, City Attorney for the  
6 City and County of San Francisco, California, in his official capacity and as a representative of the  
7 Class of Elected City Attorneys in the State of California; Ross Johnson, Timothy Hodson, Elizabeth  
8 Garrett, Lynn Montgomery, and Ronald Rotunda, members of the California Fair Political Practices  
9 Commission, in their official capacities ("Defendants") will take the deposition by oral examination of  
10 Plaintiff ProtectMarriage.com – Yes on 8, A Project of California Renewal ("ProtectMarriage.com") at  
11 the Office of the Attorney General, 1300 I Street, Sacramento, California commencing at 9:30 a.m. on  
12 April 29, 2010, and continuing from day to day thereafter. ProtectMarriage.com is required to  
13 designate one or more persons to testify as to the matters known by, or reasonably available to,  
14 ProtectMarriage.com as described more particularly in Exhibit A hereto.

15 YOU ARE FURTHER NOTIFIED THAT the deposing party intends to cause the proceeding  
16 to be recorded stenographically.

17  
18  
19 Dated: April 15, 2010

DENNIS J. HERRERA  
City Attorney  
WAYNE SNODGRASS  
JONATHAN GIVNER  
ANDREW SHEN  
MOLLIE M. LEE  
Deputy City Attorneys

20  
21  
22  
23  
24 By         /s/    
MOLLIE M. LEE

25 Attorneys for Defendants  
26 Department of Elections – City and County of San  
27 Francisco and Dennis J. Herrera  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT A

Definitions

The following words and phrases shall have the following meanings in this Exhibit A:

1. "ProtectMarriage.com" refers to ProtectMarriage.com – Yes on 8, A Project of California Renewal ("ProtectMarriage.com"), which is a Plaintiff in this case, as well as its employees, agents, independent contractors, volunteers and any other person acting on its behalf.

2. The terms "you" or "your" refer to ProtectMarriage.com.

3. "Proposition 8" or "Prop. 8" means the proposition that was placed on the November 2008 ballot in the State of California and became known as "Proposition 8" for purposes of that election. No reference to "Proposition 8" or "Prop. 8" shall be construed as limited by the date on which Proposition 8 received its official number or ballot title on the November 2008 California ballot.

4. "Document" shall be synonymous in meaning and equal in scope to the broadest meaning provided by Rule 34 of the Federal Rules of Civil Procedure, including without limitation, hard copies, electronic documents, electronic or computerized data compilations, software, software images, or downloads. This term shall apply to documents, whether in hard copy or electronic form, on your computers or the computers of your employees and independent contractors or consultants, or others working on your behalf, whether provided by you to such individuals or otherwise.

5. "Communication" means the transmittal of information in the form of facts, ideas, inquiries, thoughts, or otherwise, and without limitation as to means or method.

6. The terms "any," "all," "each," and "every" should be understood in their most inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of their scope.

7. Each of the words "reflecting," "relating," "supporting," "concerning," "evidencing," and "referring" as used herein include the common meanings of all those terms, as well as indirect and direct references to the subject matter set forth in the document request.

1 8. The words “and” and “or” shall be construed conjunctively or disjunctively, whichever  
2 makes the request most inclusive.

3 9. The use of the singular form of any word includes the plural and vice-versa.  
4

5 Examination Topics

6 1. The organizational structure of ProtectMarriage.com, including without limitation when  
7 it was created; its purpose; the identity of its significant sponsors and affiliates; and the identity of  
8 employees, independent contractors, and key volunteers, their titles, the time period of their affiliation,  
9 and their responsibilities.

10 2. ProtectMarriage.com’s efforts to raise funds for the campaign supporting Proposition 8,  
11 including but not limited to all meetings regarding fundraising; all communications regarding  
12 fundraising, including but not limited to communications between or among employees or agents of  
13 Protectmarriage.com and communications between Protectmarriage.com and any individual, group, or  
14 entity other than ProtectMarriage.com; the drafting, circulation and distribution of fundraising letters  
15 or appeals; all communications regarding fundraising with contributors, potential contributors, and  
16 third parties; and any information regarding recordkeeping for these efforts.  
17

18 3. ProtectMarriage.com’s assets, liabilities, and cash flow between January 2008 and  
19 present, including but not limited to reports tracking donations, any communications about fundraising  
20 made or authorized by ProtectMarriage.com, and recordkeeping for the same.  
21

22 4. All facts supporting your contention at Paragraph 36 of the Third Amended Complaint,  
23 that “Plaintiffs and other supporters of Proposition 8 have been subjected to threats, harassment, and  
24 reprisals as a result of their support for Proposition 8 and a traditional definition of marriage.”

25 5. ProtectMarriage.com’s knowledge of and communications regarding any allegations of  
26 harassment related to any person’s contribution to ProtectMarriage.com or other support for  
27 Proposition 8. This includes but is not limited to all communications between or among employees or  
28

1 agents of Protectmarriage.com and communications between ProtectMarriage.com and any person  
2 alleging harassment; the drafting of declarations and all other documents regarding the alleged  
3 harassment, regardless of whether those documents were filed in this action; ProtectMarriage.com's  
4 system for recording, tracking and verifying allegations of harassment; and all communications  
5 soliciting or responding to allegations of threats, harassment or reprisals related to any person's  
6 support for Proposition 8.

7  
8 6. ProtectMarriage.com's knowledge of and communications regarding any person's  
9 decision not to contribute to ProtectMarriage.com or other entities supporting Proposition 8, or to limit  
10 the size of a contribution, because of concerns that information about that person or that person's  
11 contribution would not remain confidential.

12 7. Any use by ProtectMarriage.com of campaign finance reports or other donor  
13 information from the Proposition 8 campaign or other campaigns, including but not limited to any  
14 communication referencing any person's donation to an organization supporting or opposing  
15 Proposition 8.

16  
17 8. The drafting and circulation of all materials posted to <http://www.protectmarriage.com>,  
18 <http://www.protectmarriage.net>, <http://www.busttheblacklist.com>, <http://www.abovethehate.com>, and  
19 any other websites hosted, sponsored or funded by ProtectMarriage.com at any time, including without  
20 limitation advertisements, resources, press releases, and strategy documents.

21 9. The creation, airing and tracking of all internet advertisements relating to Proposition 8,  
22 including without limitation who created each advertisement; the amount spent to run or display each  
23 advertisement; the dates the advertisements ran or were displayed; the targeted audience for each  
24 advertisement; and any data or reports tracking these advertisements, including but not limited to  
25 click-through rates, the estimated viewership or readership for each advertisement and any data  
26 collected regarding the readers or viewers of each ad.  
27  
28



1           10.     Any use of the internet by ProtectMarriage.com, including but not limited to content  
2 posted on or retrieved from websites; campaign-related research; webinars; on-line volunteer  
3 recruitment and management; on-line fundraising and advertising; and use of websites such as  
4 Facebook, MySpace, YouTube, and Twitter, among others.

5           11.     Coordination and communication with other organizations, churches and individuals in  
6 connection with Proposition 8 and allegations of threats, harassment and reprisals against supporters of  
7 Proposition 8.

8           12.     Any and all document preservation policies of ProtectMarriage.com, including the  
9 physical location(s) of where documents are kept and how they are maintained.  
10

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **PROOF OF SERVICE**

2 I, Pamela Cheeseborough, declare as follows:

3 I am a citizen of the United States, over the age of eighteen years and not a party to the above-  
4 entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building,  
5 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

6 On April 15, 2010, I served the following document(s):

7 **DEFENDANTS DEPARTMENT OF ELECTIONS – CITY AND COUNTY OF SAN  
8 FRANCISCO AND DENNIS J. HERRERA'S NOTICE OF DEPOSITION OF  
9 PROTECTMARRIAGE.COM**

10 on the following persons at the locations specified:

11 [SEE ATTACHED SERVICE LIST]

12 in the manner indicated below:

13  **BY ELECTRONIC MAIL** I caused a copy of such document to be transmitted *via* electronic mail in portable  
14 document format ("PDF") Adobe Acrobat from the electronic address: pamela.cheeseborough@sfgov.org.

15  **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the  
16 above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the  
17 United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office  
18 for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for  
19 collection would be deposited, postage prepaid, with the United States Postal Service that same day.

20  **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s)  
21 and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.  
22 A declaration from the messenger who made the delivery  is attached or  will be filed separately  
23 with the court.

24  **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed  
25 envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am  
26 readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In  
27 the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier  
28 the same day.

**BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and  
correct copies of the above document(s) via a facsimile machine at telephone number Fax # to the persons and the  
fax numbers listed above. The fax transmission was reported as complete and without error. The transmission  
report was properly issued by the transmitting facsimile machine, and a copy of the transmission report  is  
attached or  will be filed separately with the court.

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

Executed April 15, 2010, at San Francisco, California.

s/Pamela Cheeseborough  
Pamela Cheeseborough

**SERVICE LIST**

1 **Sarah E. Troupis, PHV**

2 Bopp Coleson & Bostrom

3 1 S. Sixth Street

4 Terre Haute, IN 47807

5 812-232-2434

6 812-235-3685 (fax)

7 stroupis@bopplaw.com

8 [Counsel for Plaintiffs]

9 **Terence John Cassidy**

10 Porter Scott, APC

11 350 University Avenue, Suite 200

12 Sacramento, CA 95825

13 (916) 929-1481 x316

14 (916) 927-3706 (fax)

15 tcassidy@porterscott.com

16 [Counsel for Defendant Jan Scully, District

17 Attorney for Sacramento County, CA]

18 **Judy Welch Whitehurst**

19 Los Angeles County Counsel

20 648 Kenneth Hahn Administration

21 500 W. Temple Street

22 Los Angeles, CA 90012-2713

23 (213) 974-1845

24 (213) 617-7182 (fax)

25 jwhitehurst@counsel.lacounty.gov

26 [Counsel for Defendant Dean Logan,

27 Registrar-Recorder of Los Angeles County]

28 *(Service by mail; courtesy copy by email)*

**Lawrence Thomas Woodlock**

California Fair Political Practices Commission

428 J Street, Suite 800

Sacramento, CA 95814

(916) 322-5744

(916) 327-2026 (fax)

lwoodlock@fppc.ca.gov

[Counsel for Defendant Members of the

California Fair Political Practices Commission]

**Edmund G. Brown Jr.**

**Zackery P. Morazzini**

1300 I Street, Suite 125

P. O. Box 944255

Sacramento, CA 94244-2550

(916) 445-8226

(916) 324-5567 (fax)

Zackery.Morazzini@doj.ca.gov

[Counsel for Debra Bowen, California

Secretary of State, and Edmund G. Brown, Jr.,

California Attorney General]

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)

11  
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.  
20  
21  
22  
23  
24

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

**DEFENDANTS DEPARTMENT OF  
ELECTIONS – CITY AND COUNTY OF SAN  
FRANCISCO AND DENNIS J. HERRERA’S  
NOTICE OF DEPOSITION OF NOM-  
CALIFORNIA**

**Deposition Date: April 30, 2010**

**Location: Office of the Attorney General  
1300 I Street, Sacramento, California**

**Trial Date: March 14, 2011**

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  
Senior Commission Counsel  
Fair Political Practices Commission  
10 428 J Street, Suite 620  
Sacramento, CA 95814  
11 Telephone: (916) 322-55660  
Facsimile: (916) 327-2026  
12 Lwoodlock@fppc.ca.gov

13 *Counsel for Defendants Members of the Fair Political Practices Commission*

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6),  
3 Defendants Debra Bowen, Secretary of State for the State of California, in her official capacity;  
4 Edmund G. Brown, Jr., Attorney General for the State of California, in his official capacity;  
5 Department of Elections - City and County of San Francisco; Dennis J. Herrera, City Attorney for the  
6 City and County of San Francisco, California, in his official capacity and as a representative of the  
7 Class of Elected City Attorneys in the State of California; Ross Johnson, Timothy Hodson, Elizabeth  
8 Garrett, Lynn Montgomery, and Ronald Rotunda, members of the California Fair Political Practices  
9 Commission, in their official capacities ("Defendants") will take the deposition by oral examination of  
10 Plaintiff National Organization for Marriage California - Yes on 8, Sponsored by National  
11 Organization for Marriage ("NOM-California") at the Office of the Attorney General, 1300 I Street,  
12 Sacramento, California commencing at 9:30 a.m. on April 30, 2010, and continuing from day to day  
13 thereafter. NOM-California is required to designate one or more persons to testify as to the matters  
14 known by, or reasonably available to, NOM-California as described more particularly in Exhibit A  
15 hereto.

16 YOU ARE FURTHER NOTIFIED THAT the deposing party intends to cause the proceeding  
17 to be recorded stenographically.

18  
19 Dated: April 15, 2010

DENNIS J. HERRERA  
City Attorney  
WAYNE SNODGRASS  
JONATHAN GIVNER  
ANDREW SHEN  
MOLLIE M. LEE  
Deputy City Attorneys

20  
21  
22  
23  
24  
25 By \_\_\_\_\_ /s/  
MOLLIE M. LEE

26 Attorneys for Defendants  
27 Department of Elections – City and County of San  
28 Francisco and Dennis J. Herrera

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT A

Definitions

The following words and phrases shall have the following meanings in this Exhibit A:

1. "NOM-California" refers to National Organization for Marriage California – Yes on 8, Sponsored by Noational Organization for Marriage, which is a Plaintiff in this case, as well as its employees, agents, independent contractors, volunteers and any other person acting on its behalf.
2. The terms "you" or "your" refer to NOM-California.
3. "Proposition 8" or "Prop. 8" means the proposition that was placed on the November 2008 ballot in the State of California and became known as "Proposition 8" for purposes of that election. No reference to "Proposition 8" or "Prop. 8" shall be construed as limited by the date on which Proposition 8 received its official number or ballot title on the November 2008 California ballot.
4. "Document" shall be synonymous in meaning and equal in scope to the broadest meaning provided by Rule 34 of the Federal Rules of Civil Procedure, including without limitation, hard copies, electronic documents, electronic or computerized data compilations, software, software images, or downloads. This term shall apply to documents, whether in hard copy or electronic form, on your computers or the computers of your employees and independent contractors or consultants, or others working on your behalf, whether provided by you to such individuals or otherwise.
5. "Communication" means the transmittal of information in the form of facts, ideas, inquiries, thoughts, or otherwise, and without limitation as to means or method.
6. The terms "any," "all," "each," and "every" should be understood in their most inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of their scope.
7. Each of the words "reflecting," "relating," "supporting," "concerning," "evidencing," and "referring" as used herein include the common meanings of all those terms, as well as indirect and direct references to the subject matter set forth in the document request.

1 8. The words "and" and "or" shall be construed conjunctively or disjunctively, whichever  
2 makes the request most inclusive.

3 9. The use of the singular form of any word includes the plural and vice-versa.  
4

5 Examination Topics

6 1. The organizational structure of NOM-California, including without limitation when it  
7 was created; its purpose; the identity of its significant sponsors and affiliates; and the identity of  
8 employees, independent contractors, and key volunteers, their titles, the time period of their affiliation,  
9 and their responsibilities.

10 2. NOM-California's efforts to raise funds for the campaign supporting Proposition 8,  
11 including but not limited to all meetings regarding fundraising; all communications regarding  
12 fundraising, including but not limited to communications between or among employees or agents of  
13 NOM-California and communications between NOM-California and any individual, group, or entity  
14 other than NOM-California; the drafting, circulation and distribution of fundraising letters or appeals;  
15 all communications regarding fundraising with contributors, potential contributors, and third parties;  
16 and any information regarding recordkeeping for these efforts.

17 3. NOM-California's assets, liabilities, and cash flow between January 2008 and present,  
18 including but not limited to reports tracking donations, any communications about fundraising made or  
19 authorized by NOM-California, and recordkeeping for the same.  
20

21 4. All facts supporting your contention at Paragraph 36 of the Third Amended Complaint,  
22 that "Plaintiffs and other supporters of Proposition 8 have been subjected to threats, harassment, and  
23 reprisals as a result of their support for Proposition 8 and a traditional definition of marriage."  
24

25 5. NOM-California's knowledge of and communications regarding any allegations of  
26 harassment related to any person's contribution to NOM-California or other support for Proposition 8.  
27 This includes but is not limited to all communications between or among employees or agents of  
28



1 NOM-California and communications between NOM-California and any person alleging harassment;  
2 the drafting of declarations and all other documents regarding the alleged harassment, regardless of  
3 whether those documents were filed in this action; NOM-California's system for recording, tracking  
4 and verifying allegations of harassment; and all communications soliciting or responding to allegations  
5 of threats, harassment or reprisals related to any person's support for Proposition 8.

6           6.       NOM-California's knowledge of and communications regarding any person's decision  
7 not to contribute to NOM-California or other entities supporting Proposition 8, or to limit the size of a  
8 contribution, because of concerns that information about that person or that person's contribution  
9 would not remain confidential.  
10

11           7.       Any use by NOM-California of campaign finance reports or other donor information  
12 from the Proposition 8 campaign or other campaigns, including but not limited to any communication  
13 referencing any person's donation to an organization supporting or opposing Proposition 8.  
14

15           8.       The drafting and circulation of all materials posted to <http://www.nomcalifornia.org>,  
16 <http://www.nationformarriage.org>, <http://nomblog.com>, <http://www.protectmarriage.com>,  
17 <http://www.protectmarriage.net>, <http://www.busttheblacklist.com>, <http://www.abovethehate.com>, and  
18 any other websites hosted, sponsored or funded by NOM-California at any time, including without  
19 limitation advertisements, resources, press releases, and strategy documents.

20           9.       The creation, airing and tracking of all internet advertisements relating to Proposition 8,  
21 including without limitation who created each advertisement; the amount spent to run or display each  
22 advertisement; the dates the advertisements ran or were displayed; the targeted audience for each  
23 advertisement; and any data or reports tracking these advertisements, including but not limited to  
24 click-through rates, the estimated viewership or readership for each advertisement and any data  
25 collected regarding the readers or viewers of each ad.  
26  
27  
28

1           10. Any use of the internet by NOM-California, including but not limited to content posted  
2 on or retrieved from websites; campaign-related research; webinars; on-line volunteer recruitment and  
3 management; on-line fundraising and advertising; and use of websites such as Facebook, MySpace,  
4 YouTube, and Twitter, among others.

5           11. Coordination and communication with other organizations, churches and individuals in  
6 connection with Proposition 8 and allegations of threats, harassment and reprisals against supporters of  
7 Proposition 8.  
8

9           12. Any and all document preservation policies of NOM-California, including the physical  
10 location(s) of where documents are kept and how they are maintained.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **PROOF OF SERVICE**

2 I, Pamela Cheeseborough, declare as follows:

3 I am a citizen of the United States, over the age of eighteen years and not a party to the above-  
4 entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building,  
5 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

6 On April 15, 2010, I served the following document(s):

7 **DEFENDANTS DEPARTMENT OF ELECTIONS – CITY AND COUNTY OF SAN  
8 FRANCISCO AND DENNIS J. HERRERA'S NOTICE OF DEPOSITION OF NOM-  
9 CALIFORNIA**

10 on the following persons at the locations specified:

11 [SEE ATTACHED SERVICE LIST]

12 in the manner indicated below:

13  **BY ELECTRONIC MAIL** I caused a copy of such document to be transmitted *via* electronic mail in portable  
14 document format ("PDF") Adobe Acrobat from the electronic address: pamelacheeseborough@sfgov.org.

15  **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the  
16 above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the  
17 United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office  
18 for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for  
19 collection would be deposited, postage prepaid, with the United States Postal Service that same day.

20  **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s)  
21 and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.  
22 A declaration from the messenger who made the delivery  is attached or  will be filed separately  
23 with the court.

24  **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed  
25 envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am  
26 readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In  
27 the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier  
28 the same day.

**BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and  
correct copies of the above document(s) via a facsimile machine at telephone number Fax #\* to the persons and the  
fax numbers listed above. The fax transmission was reported as complete and without error. The transmission  
report was properly issued by the transmitting facsimile machine, and a copy of the transmission report  is  
attached or  will be filed separately with the court.

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

Executed April 15, 2010, at San Francisco, California.

s/Pamela Cheeseborough  
Pamela Cheeseborough

**SERVICE LIST**

**Sarah E. Troupis, PHV**

Bopp Coleson & Bostrom  
1 S. Sixth Street  
Terre Haute, IN 47807  
812-232-2434  
812-235-3685 (fax)  
stroupis@bopplaw.com  
[Counsel for Plaintiffs]

**Terence John Cassidy**

Porter Scott, APC  
350 University Avenue, Suite 200  
Sacramento, CA 95825  
(916) 929-1481 x316  
(916) 927-3706 (fax)  
tcassidy@porterscott.com  
[Counsel for Defendant Jan Scully, District  
Attorney for Sacramento County, CA]

**Judy Welch Whitehurst**

Los Angeles County Counsel  
648 Kenneth Hahn of Administration  
500 W. Temple Street  
Los Angeles, CA 90012-2713  
(213) 974-1845  
(213) 617-7182 (fax)  
jwhitehurst@counsel.lacounty.gov  
[Counsel for Defendant Dean Logan,  
Registrar-Recorder of Los Angeles County]  
*(Service by mail; courtesy copy by email)*

**Lawrence Thomas Woodlock**

California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814  
(916) 322-5744  
(916) 327-2026 (fax)  
lwoodlock@fppc.ca.gov  
[Counsel for Defendant Members of the  
California Fair Political Practices Commission]

**Edmund G. Brown Jr.**

**Zackery P. Morazzini**  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, CA 94244-2550  
(916) 445-8226  
(916) 324-5567 (fax)  
Zackery.Morazzini@doj.ca.gov  
[Counsel for Debra Bowen, California  
Secretary of State, and Edmund G. Brown, Jr.,  
California Attorney General]

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)

11  
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

**DEFENDANTS DEPARTMENT OF  
ELECTIONS – CITY AND COUNTY OF SAN  
FRANCISCO AND DENNIS J. HERRERA'S  
NOTICE OF DEPOSITION OF NOM-  
CALIFORNIA PAC**

**Deposition Date: April 30, 2010**

**Location: Office of the Attorney General  
1300 I Street, Sacramento, California**

**Trial Date: March 14, 2011**

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  
Senior Commission Counsel  
Fair Political Practices Commission  
10 428 J Street, Suite 620  
Sacramento, CA 95814  
11 Telephone: (916) 322-55660  
Facsimile: (916) 327-2026  
12 Lwoodlock@fppc.ca.gov

13 *Counsel for Defendants Members of the Fair Political Practices Commission*

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6),  
3 Defendants Debra Bowen, Secretary of State for the State of California, in her official capacity;  
4 Edmund G. Brown, Jr., Attorney General for the State of California, in his official capacity;  
5 Department of Elections - City and County of San Francisco; Dennis J. Herrera, City Attorney for the  
6 City and County of San Francisco, California, in his official capacity and as a representative of the  
7 Class of Elected City Attorneys in the State of California; Ross Johnson, Timothy Hodson, Elizabeth  
8 Garrett, Lynn Montgomery, and Ronald Rotunda, members of the California Fair Political Practices  
9 Commission, in their official capacities ("Defendants") will take the deposition by oral examination of  
10 Plaintiff National Organization for Marriage California PAC ("NOM-California PAC") at the Office of  
11 the Attorney General, 1300 I Street, Sacramento, California commencing at 9:30 a.m. on April 30,  
12 2010, and continuing from day to day thereafter. NOM-California PAC is required to designate one or  
13 more persons to testify as to the matters known by, or reasonably available to, NOM-California PAC  
14 as described more particularly in Exhibit A hereto.

15 YOU ARE FURTHER NOTIFIED THAT the deposing party intends to cause the proceeding  
16 to be recorded stenographically.

17  
18  
19 Dated: April 15, 2010

DENNIS J. HERRERA  
City Attorney  
WAYNE SNODGRASS  
JONATHAN GIVNER  
ANDREW SHEN  
MOLLIE M. LEE  
Deputy City Attorneys

20  
21  
22  
23  
24 By \_\_\_\_\_ /s/  
MOLLIE M. LEE

25 Attorneys for Defendants  
26 Department of Elections – City and County of San  
27 Francisco and Dennis J. Herrera  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT A

Definitions

The following words and phrases shall have the following meanings in this Exhibit A:

1. "NOM-California PAC" refers to National Organization for Marriage California PAC, which is a Plaintiff in this case, as well as its employees, agents, independent contractors, volunteers and any other person acting on its behalf.

2. The terms "you" or "your" refer to NOM-California PAC.

3. "Proposition 8" or "Prop. 8" means the proposition that was placed on the November 2008 ballot in the State of California and became known as "Proposition 8" for purposes of that election. No reference to "Proposition 8" or "Prop. 8" shall be construed as limited by the date on which Proposition 8 received its official number or ballot title on the November 2008 California ballot.

4. "Document" shall be synonymous in meaning and equal in scope to the broadest meaning provided by Rule 34 of the Federal Rules of Civil Procedure, including without limitation, hard copies, electronic documents, electronic or computerized data compilations, software, software images, or downloads. This term shall apply to documents, whether in hard copy or electronic form, on your computers or the computers of your employees and independent contractors or consultants, or others working on your behalf, whether provided by you to such individuals or otherwise.

5. "Communication" means the transmittal of information in the form of facts, ideas, inquiries, thoughts, or otherwise, and without limitation as to means or method.

6. The terms "any," "all," "each," and "every" should be understood in their most inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of their scope.

7. Each of the words "reflecting," "relating," "supporting," "concerning," "evidencing," and "referring" as used herein include the common meanings of all those terms, as well as indirect and direct references to the subject matter set forth in the document request.





1 agents of NOM-California PAC and communications between NOM-California PAC and any person  
2 alleging harassment; the drafting of declarations and all other documents regarding the alleged  
3 harassment, regardless of whether those documents were filed in this action; NOM-California PAC's  
4 system for recording, tracking and verifying allegations of harassment; and all communications  
5 soliciting or responding to allegations of threats, harassment or reprisals related to any person's  
6 support for Proposition 8.

7  
8 6. NOM-California PAC's knowledge of and communications regarding any person's  
9 decision not to contribute to NOM-California PAC or other entities supporting Proposition 8, or to  
10 limit the size of a contribution, because of concerns that information about that person or that person's  
11 contribution would not remain confidential.

12 7. Any use by NOM-California PAC of campaign finance reports or other donor  
13 information from the Proposition 8 campaign or other campaigns, including but not limited to any  
14 communication referencing any person's donation to an organization supporting or opposing  
15 Proposition 8.

16  
17 8. The drafting and circulation of all materials posted to <http://www.nomcalifornia.org>,  
18 <http://www.nationformarriage.org>, <http://nomblog.com>, <http://www.protectmarriage.com>,  
19 <http://www.protectmarriage.net>, <http://www.busttheblacklist.com>, <http://www.abovethehate.com>, and  
20 any other websites hosted, sponsored or funded by NOM-California PAC at any time, including  
21 without limitation advertisements, resources, press releases, and strategy documents.

22  
23 9. The creation, airing and tracking of all internet advertisements relating to Proposition 8,  
24 including without limitation who created each advertisement; the amount spent to run or display each  
25 advertisement; the dates the advertisements ran or were displayed; the targeted audience for each  
26 advertisement; and any data or reports tracking these advertisements, including but not limited to  
27  
28

1 click-through rates, the estimated viewership or readership for each advertisement and any data  
2 collected regarding the readers or viewers of each ad.

3 10. Any use of the internet by NOM-California PAC, including but not limited to content  
4 posted on or retrieved from websites; campaign-related research; webinars; on-line volunteer  
5 recruitment and management; on-line fundraising and advertising; and use of websites such as  
6 Facebook, MySpace, YouTube, and Twitter, among others.

7  
8 11. Coordination and communication with other organizations, churches and individuals in  
9 connection with Proposition 8 and allegations of threats, harassment and reprisals against supporters of  
10 Proposition 8.

11 12. Any and all document preservation policies of NOM-California PAC, including the  
12 physical location(s) of where documents are kept and how they are maintained.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **PROOF OF SERVICE**

2 I, Pamela Cheeseborough, declare as follows:

3 I am a citizen of the United States, over the age of eighteen years and not a party to the above-  
4 entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building,  
5 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

6 On April 15, 2010, I served the following document(s):

7 **DEFENDANTS DEPARTMENT OF ELECTIONS – CITY AND COUNTY OF SAN  
8 FRANCISCO AND DENNIS J. HERRERA'S NOTICE OF DEPOSITION OF NOM-  
9 CALIFORNIA PAC**

10 on the following persons at the locations specified:

11 [SEE ATTACHED SERVICE LIST]

12 in the manner indicated below:

13  **BY ELECTRONIC MAIL** I caused a copy of such document to be transmitted *via* electronic mail in portable  
14 document format ("PDF") Adobe Acrobat from the electronic address: pamelacheeseborough@sfgov.org.

15  **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the  
16 above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the  
17 United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office  
18 for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for  
19 collection would be deposited, postage prepaid, with the United States Postal Service that same day.

20  **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s)  
21 and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.  
22 A declaration from the messenger who made the delivery  is attached or  will be filed separately  
23 with the court.

24  **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed  
25 envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am  
26 readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In  
27 the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier  
28 the same day.

**BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and  
correct copies of the above document(s) via a facsimile machine at telephone number Fax # to the persons and the  
fax numbers listed above. The fax transmission was reported as complete and without error. The transmission  
report was properly issued by the transmitting facsimile machine, and a copy of the transmission report  is  
attached or  will be filed separately with the court.

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

Executed April 15, 2010, at San Francisco, California.

s/Pamela Cheeseborough  
Pamela Cheeseborough

**SERVICE LIST**

1  
2  
3 **Sarah E. Troupis, PHV**  
4 Bopp Coleson & Bostrom  
5 1 S. Sixth Street  
6 Terre Haute, IN 47807  
7 812-232-2434  
8 812-235-3685 (fax)  
9 stroupis@bopplaw.com  
10 [Counsel for Plaintiffs]

11 **Terence John Cassidy**  
12 Porter Scott, APC  
13 350 University Avenue, Suite 200  
14 Sacramento, CA 95825  
15 (916) 929-1481 x316  
16 (916) 927-3706 (fax)  
17 tcassidy@porterscott.com  
18 [Counsel for Defendant Jan Scully, District  
19 Attorney for Sacramento County, CA]

20 **Judy Welch Whitehurst**  
21 Los Angeles County Counsel  
22 648 Kenneth Hahn of Administration  
23 500 W. Temple Street  
24 Los Angeles,, CA 90012-2713  
25 (213) 974-1845  
26 (213) 617-7182 (fax)  
27 jwhitehurst@counsel.lacounty.gov  
28 [Counsel for Defendant Dean Logan,  
Registrar-Recorder of Los Angeles County]  
*(Service by mail; courtesy copy by email)*

**Lawrence Thomas Woodlock**  
California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814  
(916) 322-5744  
(916) 327-2026 (fax)  
lwoodlock@fppc.ca.gov  
[Counsel for Defendant Members of the  
California Fair Political Practices Commission]

**Edmund G. Brown Jr.**  
**Zackery P. Morazzini**  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, CA 94244-2550  
(916) 445-8226  
(916) 324-5567 (fax)  
Zackery.Morazzini@doj.ca.gov  
[Counsel for Debra Bowen, California  
Secretary of State, and Edmund G. Brown, Jr.,  
California Attorney General]

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)

11  
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.  
20  
21  
22  
23  
24

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

**DEFENDANTS DEPARTMENT OF  
ELECTIONS – CITY AND COUNTY OF SAN  
FRANCISCO AND DENNIS J. HERRERA'S  
NOTICE OF DEPOSITION OF RON  
PRENTICE**

**Deposition Date: April 29, 2010**

**Location: Office of the Attorney General  
1300 I Street, Sacramento, California**

**Trial Date: March 14, 2011**

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  
428 J Street, Suite 620  
10 Sacramento, CA 95814  
Telephone: (916) 322-55660  
11 Facsimile: (916) 327-2026  
Lwoodlock@fppc.ca.gov

12 *Counsel for Defendants Members of the Fair Political Practices Commission*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure,  
3 Defendants Debra Bowen, Secretary of State for the State of California, in her official capacity;  
4 Edmund G. Brown, Jr., Attorney General for the State of California, in his official capacity;  
5 Department of Elections - City and County of San Francisco; Dennis J. Herrera, City Attorney for the  
6 City and County of San Francisco, California, in his official capacity and as a representative of the  
7 Class of Elected City Attorneys in the State of California; Ross Johnson, Timothy Hodson, Elizabeth  
8 Garrett, Lynn Montgomery, and Ronald Rotunda, members of the California Fair Political Practices  
9 Commission, in their official capacities ("Defendants") will take the deposition by oral examination of  
10 RON PRENTICE at the Office of the Attorney General, 1300 I Street, Sacramento, California  
11 commencing at 9:30 a.m. on April 29, 2010, and continuing from day to day thereafter.

12 The depositions will be stenographically recorded and conducted before a person authorized to  
13 administer oaths pursuant to Federal Rule of Civil Procedure 28.

14 Dated: April 15, 2010

DENNIS J. HERRERA  
City Attorney  
JONATHAN GIVNER  
ANDREW SHEN  
MOLLIE M. LEE  
Deputy City Attorneys

19 By \_\_\_\_\_ /s/  
MOLLIE M. LEE

20  
21 Attorneys for Defendants  
22 Department of Elections – City and County of San  
23 Francisco and Dennis J. Herrera  
24  
25  
26  
27  
28



**PROOF OF SERVICE**

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On April 15, 2010, I served the following document(s):

**DEFENDANTS DEPARTMENT OF ELECTIONS – CITY AND COUNTY OF SAN FRANCISCO AND DENNIS J. HERRERA'S NOTICE OF DEPOSITION OF RON PRENTICE**

on the following persons at the locations specified:

[SEE ATTACHED SERVICE LIST]

in the manner indicated below:

**BY ELECTRONIC MAIL** I caused a copy of such document to be transmitted *via* electronic mail in portable document format ("PDF") Adobe Acrobat from the electronic address: pamelacheeseborough@sfgov.org.

**BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

**BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery  is attached or  will be filed separately with the court.

**BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

**BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax # to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report  is attached or  will be filed separately with the court.

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

Executed April 15, 2010, at San Francisco, California.

s/Pamela Cheeseborough  
Pamela Cheeseborough

**SERVICE LIST**

**Sarah E. Troupis, PHV**

Bopp Coleson & Bostrom  
1 S. Sixth Street  
Terre Haute, IN 47807  
812-232-2434  
812-235-3685 (fax)  
stroupis@bopplaw.com  
[Counsel for Plaintiffs]

**Terence John Cassidy**

Porter Scott, APC  
350 University Avenue, Suite 200  
Sacramento, CA 95825  
(916) 929-1481 x316  
(916) 927-3706 (fax)  
tcassidy@porterscott.com  
[Counsel for Defendant Jan Scully, District  
Attorney for Sacramento County, CA]

**Judy Welch Whitehurst**

Los Angeles County Counsel  
648 Kenneth Hahn of Administration  
500 W. Temple Street  
Los Angeles,, CA 90012-2713  
(213) 974-1845  
(213) 617-7182 (fax)  
jwhitehurst@counsel.lacounty.gov  
[Counsel for Defendant Dean Logan,  
Registrar-Recorder of Los Angeles County]  
*(Service by mail; courtesy copy by email)*

**Lawrence Thomas Woodlock**

California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814  
(916) 322-5744  
(916) 327-2026 (fax)  
lwoodlock@fppc.ca.gov  
[Counsel for Defendant Members of the  
California Fair Political Practices Commission]

**Edmund G. Brown Jr.**

**Zackery P. Morazzini**  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, CA 94244-2550  
(916) 445-8226  
(916) 324-5567 (fax)  
Zackery.Morazzini@doj.ca.gov  
[Counsel for Debra Bowen, California  
Secretary of State, and Edmund G. Brown, Jr.,  
California Attorney General]

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)

11  
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

**DEFENDANTS DEPARTMENT OF  
ELECTIONS – CITY AND COUNTY OF SAN  
FRANCISCO AND DENNIS J. HERRERA'S  
NOTICE OF DEPOSITION OF BRIAN  
BROWN**

**Deposition Date: April 30, 2010**

**Location: Office of the Attorney General  
1300 I Street, Sacramento, California**

**Trial Date: March 14, 2011**

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  
428 J Street, Suite 620  
10 Sacramento, CA 95814  
Telephone: (916) 322-55660  
11 Facsimile: (916) 327-2026  
Lwoodlock@fppc.ca.gov

12 *Counsel for Defendants Members of the Fair Political Practices Commission*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure,  
3 Defendants Debra Bowen, Secretary of State for the State of California, in her official capacity;  
4 Edmund G. Brown, Jr., Attorney General for the State of California, in his official capacity;  
5 Department of Elections - City and County of San Francisco; Dennis J. Herrera, City Attorney for the  
6 City and County of San Francisco, California, in his official capacity and as a representative of the  
7 Class of Elected City Attorneys in the State of California; Ross Johnson, Timothy Hodson, Elizabeth  
8 Garrett, Lynn Montgomery, and Ronald Rotunda, members of the California Fair Political Practices  
9 Commission, in their official capacities ("Defendants") will take the deposition by oral examination of  
10 BRIAN BROWN at the Office of the Attorney General, 1300 I Street, Sacramento, California  
11 commencing at 9:30 a.m. on April 30, 2010, and continuing from day to day thereafter.

12 The depositions will be stenographically recorded and conducted before a person authorized to  
13 administer oaths pursuant to Federal Rule of Civil Procedure 28.

14 Dated: April 15, 2010

DENNIS J. HERRERA  
City Attorney  
JONATHAN GIVNER  
ANDREW SHEN  
MOLLIE M. LEE  
Deputy City Attorneys

19 By \_\_\_\_\_ /s/  
MOLLIE M. LEE

20  
21 Attorneys for Defendants  
22 Department of Elections – City and County of San  
23 Francisco and Dennis J. Herrera

**PROOF OF SERVICE**

1 I, Pamela Cheeseborough, declare as follows:

2 I am a citizen of the United States, over the age of eighteen years and not a party to the above-  
3 entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building,  
4 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

5 On April 15, 2010, I served the following document(s):

6 **DEFENDANTS DEPARTMENT OF ELECTIONS – CITY AND COUNTY OF SAN  
7 FRANCISCO AND DENNIS J. HERRERA'S NOTICE OF DEPOSITION OF BRIAN BROWN**

8 on the following persons at the locations specified:

9 [SEE ATTACHED SERVICE LIST]

10 in the manner indicated below:

11  **BY ELECTRONIC MAIL** I caused a copy of such document to be transmitted *via* electronic mail in  
12 portable document format ("PDF") Adobe Acrobat from the electronic address:  
13 pamela.cheeseborough@sfgov.org.

14  **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of  
15 the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with  
16 the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's  
17 Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed  
18 for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

19  **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed  
20 envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional  
21 messenger service. A declaration from the messenger who made the delivery  is attached or  will be  
22 filed separately with the court.

23  **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed  
24 envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am  
25 readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In  
26 the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier  
27 the same day.

28  **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and  
correct copies of the above document(s) via a facsimile machine at telephone number Fax #' to the persons and the  
fax numbers listed above. The fax transmission was reported as complete and without error. The transmission  
report was properly issued by the transmitting facsimile machine, and a copy of the transmission report  is  
attached or  will be filed separately with the court.

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

Executed April 15, 2010, at San Francisco, California.

s/Pamela Cheeseborough  
\_\_\_\_\_  
Pamela Cheeseborough

**SERVICE LIST**

1  
2 **Sarah E. Troupis, PHV**  
3 Bopp Coleson & Bostrom  
4 1 S. Sixth Street  
5 Terre Haute, IN 47807  
6 812-232-2434  
7 812-235-3685 (fax)  
8 stroupis@bopplaw.com  
9 [Counsel for Plaintiffs]

6 **Terence John Cassidy**  
7 Porter Scott, APC  
8 350 University Avenue, Suite 200  
9 Sacramento, CA 95825  
10 (916) 929-1481 x316  
11 (916) 927-3706 (fax)  
12 tcassidy@porterscott.com  
13 [Counsel for Defendant Jan Scully, District  
14 Attorney for Sacramento County, CA]

11 **Judy Welch Whitehurst**  
12 Los Angeles County Counsel  
13 648 Kenneth Hahn of Administration  
14 500 W. Temple Street  
15 Los Angeles,, CA 90012-2713  
16 (213) 974-1845  
17 (213) 617-7182 (fax)  
18 jwhitehurst@counsel.lacounty.gov  
19 [Counsel for Defendant Dean Logan,  
20 Registrar-Recorder of Los Angeles County]  
21 *(Service by mail; courtesy copy by email)*

**Lawrence Thomas Woodlock**  
California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814  
(916) 322-5744  
(916) 327-2026 (fax)  
lwoodlock@fppc.ca.gov  
[Counsel for Defendant Members of the  
California Fair Political Practices Commission]

**Edmund G. Brown Jr.**  
**Zackery P. Morazzini**  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, CA 94244-2550  
(916) 445-8226  
(916) 324-5567 (fax)  
Zackery.Morazzini@doj.ca.gov  
[Counsel for Debra Bowen, California  
Secretary of State, and Edmund G. Brown, Jr.,  
California Attorney General]