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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14 **PROTECTMARRIAGE.COM, et al.,**

15 Plaintiffs,

16 v.

17 **DEBRA BOWEN, SECRETARY OF
STATE FOR THE STATE OF
18 CALIFORNIA, et al.,**

19 Defendants.
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2:09-cv-00058-MCE-DAD

**NOTICE OF MOTION AND MOTION TO
COMPEL RESPONSES TO
INTERROGATORIES, PRODUCTION OF
DOCUMENTS, AND SANCTIONS**

Date: June 4, 2010
Time: 10:00 a.m.
Courtroom: 27, 8th Floor
Magistrate Judge Dale A. Drozd

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22 TO DEFENDANTS PROTECTMARRIAGE.COM, NATIONAL ORGANIZATION FOR
23 MARRIAGE, AND NATIONAL ORGANIZATION FOR MARRIAGE – CALIFORNIA PAC
24 AND THEIR ATTORNEYS OF RECORD,

25 PLEASE TAKE NOTICE that on June 4, 2010 at 10:00 a.m. or as soon thereafter as the
26 matter may be heard in the above-entitled Court located at 501 "I" Street, Sacramento, California
27 95814, Department 27, Defendants will and hereby do move this Court for an order compelling
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1 Plaintiffs to fully and completely respond to the propounded interrogatories and requests for
2 production of documents, and for the Court to issue discovery sanctions against Plaintiffs.¹

3 Defendants also move for an order that Plaintiffs pay to the moving party the reasonable
4 costs and attorneys fees incurred by Defendants in connection with this proceeding.

5 This motion is made on the grounds that said interrogatory responses, document production,
6 and deposition testimony are relevant to the subject matter of the action and do not relate to
7 privileged matters, and the refusal to respond and answer is without justification. This motion
8 will be based on this Notice of Motion and Motion and the Joint Statement of the parties.

9 Dated: May 7, 2010

Respectfully submitted,

10 EDMUND G. BROWN JR.
11 Attorney General of California
12 STEPHEN P. ACQUISTO
13 Supervising Deputy Attorney General

14 /s/ Erin V. Peth

15 ERIN V. PETH
16 Deputy Attorney General
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18 *California Secretary of State, and Edmund*
19 *G. Brown Jr., Attorney General of the State*
20 *of California*

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26 ¹ The current Scheduling Order provides that all non-expert discovery be completed by
27 May 14, 2010. However, Defendants have filed a motion to modify the Scheduling Order to
28 extend all deadlines by 60 days. That motion is calendared for May 13, 2010. If the motion to
modify the Scheduling Order is denied, Defendants will withdraw this motion to compel.