

1 **PRELIMINARY STATEMENT**

2 Plaintiffs' Complaint presents important constitutional questions that require and
3 warrant judicial determination. In a constitutional democracy, it is the role of the courts to
4 determine and resolve such questions. To the extent that Plaintiffs have stated a justiciable
5 controversy, setting forth federal constitutional challenges to Proposition 8, it is appropriate for
6 the federal courts to determine and resolve those challenges. The Administration also continues
7 to believe that it is in the interest of the People of the State of California to have the federal
8 courts resolve the issues presented by Plaintiffs' complaint as expeditiously as possible.

9 As for the merits of Plaintiffs' claims, the Administration takes no position. The
10 Administration does not intend to present any evidence or argument, either in support of or in
11 opposition to those claims.

12 **CASE MANAGEMENT ITEMS LISTED IN COURT'S 8/12/09 ORDER**

13 The Court's August 12, 2009, order asked the parties to address four case-
14 management topics. The Administration addresses each topic below:

15 1. Specific Elements of Plaintiffs' Claims and Defendants' Defenses:

16 The Administration will leave it for others to list the specific elements of the
17 claims that Plaintiffs assert. In particular, having asserted those claims, it is incumbent on
18 Plaintiffs to identify the elements of each of their claims.

19 The Administration has not asserted any affirmative defenses, and makes no
20 contention regarding the merit of any defense asserted by any other party in this matter.

21 2. Admissions and Stipulations:

22 The Administration has not proposed, and does not intend to propose, that the
23 parties enter into any admissions or stipulations. If any of the other parties wishes to propose any
24 admissions or stipulations, the Administration will consider any such proposals.

25 3. Discovery:

26 The Administration does not intend to conduct any discovery.

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4. Expert Witnesses:

The Administration does not intend to present any opinion testimony and/or expert witness testimony.

Dated: August 17, 2009

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By: /s/ Kenneth C. Mennemeier
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in his official capacity as Governor of the State of
California, Mark B. Horton, in his official capacity
as Director of the California Department of Public
Health and State Registrar of Vital Statistics, and
Linette Scott, in her official capacity as Deputy
Director of Health Information & Strategic Planning
for the California Department of Public Health

Case Name: *Perry, et al. v. Schwarzenegger, et al.*;
Case No: US District Court, Northern District, Case No. 3:09-cv-2292 VRW

CERTIFICATE OF SERVICE

I declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 980 9th Street, Suite 1700, Sacramento, California 95814. On August 17, 2009, I served the within document(s):

THE ADMINISTRATION'S SUPPLEMENTAL CASE MANAGEMENT STATEMENT

☐

by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and delivering to a Federal Express agent for delivery.

☒

by placing the document(s) listed above in a sealed envelope, with postage thereon fully prepared, in the United States mail at Sacramento, California addressed as set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepared in the ordinary course of business.

I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made.

Executed on August 17, 2009, at Sacramento, California.

/s/ Angela Knight
Angela Knight

SERVICE LIST

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