

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

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September 11, 2009

The Honorable Vaughn R. Walker
Chief Judge of the United States District Court
for the Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102
Re: *Perry v. Schwarzenegger*, No. 09-2292 VRW

Dear Chief Judge Walker:

I write on behalf of Plaintiff-Intervenor City and County of San Francisco in response to the letter sent by Defendant-Intervenors [Doc. #175] seeking leave to file a motion for protective order. Defendant-Intervenors' position appears to be that any discovery into communications by Proposition 8 proponents with third parties — except that which was directly disseminated to all or most voters — is off limits, either because (1) it concerns the subjective motivation of individual voters and is thus irrelevant and is further protected by the First Amendment, or (2) because it concerns the Proposition 8 proponents' strategy decisions and is protected by the First Amendment. Further, Defendant-Intervenors contend such discovery would be burdensome because it would require them to review thousands of documents. San Francisco joins in the letter sent by the Perry Plaintiffs [Doc. #181], which points out that none of these contentions are supported by the cases Defendant-Intervenors cite.

San Francisco writes to add two points. First, Defendant-Intervenors' position is belied by their own conduct in this case. On August 27, 2009, Defendant-Intervenors served document subpoenas on six different groups that were involved in the No On 8 Campaign. The subpoenas Defendant-Intervenors served on those organizations demand production of ten categories of documents, including but not limited to:

- "all versions of any documents that reflect communications relating to Proposition 8 between you and *any* third party,"
- "all documents constituting . . . mail, . . . emails, . . . text messages, . . . or other materials that you distributed to *voters, donors, [or] potential donors* . . . regarding Proposition 8,"
- "all *plans, schematics, and versions* of websites relating to Proposition 8 that you hosted, paid for, or sponsored," and
- "documents showing *the name and title of every employee of your organization* since January 2008 who was involved in your campaign against Proposition 8, including but not limited to *organizational charts*." (Emphases added; copies of notice and subpoenas attached as Exhibit A.)

Defendant-Intervenors' actions speak louder than their words. Their attempt to obtain discovery from third parties concerning the campaign strategy and communications of the No On 8 Campaign simply cannot be squared with their contention that discovery into the Yes On 8 Campaign is irrelevant, unduly burdensome and violative of the First Amendment.

EXHIBIT "A"

1 COOPER AND KIRK, PLLC
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 3 *dthompson@cooperkirk.com*
 Howard C. Nielson, Jr. (DC Bar No. 473018)*
 4 *hnielson@cooperkirk.com*
 Peter A. Patterson (OH Bar No. 0080840)*
 5 *ppatterson@cooperkirk.com*
 1523 New Hampshire Ave. N.W., Washington, D.C. 20036
 6 Telephone: (202) 220-9600, Facsimile: (202) 220-9601

7 LAW OFFICES OF ANDREW P. PUGNO
 Andrew P. Pugno (CA Bar No. 206587)
 8 *andrew@pugnolaw.com*
 101 Parkshore Drive, Suite 100, Folsom, California 95630
 9 Telephone: (916) 608-3065, Facsimile: (916) 608-3066

10 ALLIANCE DEFENSE FUND
 Brian W. Raum (NY Bar No. 2856102)*
 11 *braum@telladf.org*
 James A. Campbell (OH Bar No. 0081501)*
 12 *jcampbell@telladf.org*
 15100 North 90th Street, Scottsdale, Arizona 85260
 13 Telephone: (480) 444-0020, Facsimile: (480) 444-0028

14 ATTORNEYS FOR DEFENDANTS-INTERVENORS DENNIS HOLLINGSWORTH,
 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
 15 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A
 PROJECT OF CALIFORNIA RENEWAL

16 * Admitted *pro hac vice*

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 KRISTIN M. PERRY, SANDRA B. STIER, PAUL
 20 T. KATAMI, and JEFFREY J. ZARRILLO,

21 Plaintiffs,

22 CITY AND COUNTY OF SAN FRANCISCO,

23 Plaintiff-Intervenor,

24 v.

25 ARNOLD SCHWARZENEGGER, in his official
 26 capacity as Governor of California; EDMUND G.
 BROWN, JR., in his official capacity as Attorney
 27 General of California; MARK B. HORTON, in his
 28 official capacity as Director of the California
 Department of Public Health and State Registrar of

CASE NO. 09-CV-2292 VRW

**DEFENDANTS-INTERVENORS
 PROPOSITION 8 PROPONENTS
 AND PROTECTMARRIAGE.COM'S
 NOTICE OF SUBPOENAS FOR
 DOCUMENTS AND
 ELECTRONICALLY STORED
 INFORMATION**

Date: None
 Time: None
 Location: None
 Judge: Chief Judge Vaughn R. Walker
 Trial Date: January 11, 2010

1 Vital Statistics; LINETTE SCOTT, in her official
2 capacity as Deputy Director of Health Information
3 & Strategic Planning for the California Department
4 of Public Health; PATRICK O'CONNELL, in his
5 official capacity as Clerk-Recorder for the County
6 of Alameda; and DEAN C. LOGAN, in his official
7 capacity as Registrar-Recorder/County Clerk for
8 the County of Los Angeles,

9 Defendants,

10 and

11 PROPOSITION 8 OFFICIAL PROPONENTS
12 DENNIS HOLLINGSWORTH, GAIL J.
13 KNIGHT, MARTIN F. GUTIERREZ, HAK-
14 SHING WILLIAM TAM, and MARK A.
15 JANSSON; and PROTECTMARRIAGE.COM –
16 YES ON 8, A PROJECT OF CALIFORNIA
17 RENEWAL,

18 Defendants-Intervenors.

19 Additional Counsel for Defendants-Intervenors

20 ALLIANCE DEFENSE FUND
21 Timothy Chandler (CA Bar No. 234325)
22 *tchandler@telladf.org*
23 101 Parkshore Drive, Suite 100, Folsom, California 95630
24 Telephone: (916) 932-2850, Facsimile: (916) 932-2851

25 Jordan W. Lorence (DC Bar No. 385022)*
26 *jlorenc@telladf.org*
27 Austin R. Nimocks (TX Bar No. 24002695)*
28 *animocks@telladf.org*
801 G Street NW, Suite 509, Washington, D.C. 20001
Telephone: (202) 637-4610, Facsimile: (202) 347-3622

* Admitted *pro hac vice*

1 Defendants-Intervenors Proposition 8 Proponents Dennis Hollingsworth, Gail J. Knight,
2 Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson (collectively referred to as
3 "Proponents"), and Proposition 8 Campaign Committee ProtectMarriage.com – Yes on 8, a Project
4 of California Renewal (the "Committee"), hereby notify all parties that they will serve, pursuant to
5 Fed. R. Civ. P. 45, the attached subpoenas requesting the production of documents and
6 electronically stored information on the following organizations:

- 7 1. No on 8, Equality for All
- 8 2. Human Rights Campaign California Marriage PAC – No on 8
- 9 3. No on Proposition 8, Campaign for Marriage Equality, A Project of the American
10 Civil Liberties Union of Northern California
- 11 4. Win Marriage Back, A Project of Equality California (formerly known as No on 8 –
12 Equality California)
- 13 5. Californians Against Eliminating Basic Rights
- 14 6. Courage Campaign

15 Dated: August 27, 2009

16 COOPER AND KIRK, PLLC
17 ATTORNEYS FOR DEFENDANTS-INTERVENORS
18 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
19 MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
20 MARK A. JANSSON, AND PROTECTMARRIAGE.COM –
21 YES ON 8, A PROJECT OF CALIFORNIA RENEWAL

22 By: s/Charles J. Cooper
23 Charles J. Cooper
24
25
26
27
28



August 27, 2009

No on Proposition 8
Campaign for Marriage Equality
A Project of the American Civil Liberties Union of Northern California
c/o Bonnie S. Anderson
39 Drumm Street
San Francisco, California 94111

Re: *Perry v. Schwarzenegger*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Ms. Anderson:

Enclosed herewith is a subpoena to produce documents and electronically stored information in the above-captioned matter. In responding to and interpreting these document requests, please follow the same narrowing constructions that the Proposition 8 Proponents and ProtectMarriage.com are following with respect to their responses to document requests from the Plaintiffs in this action. Thus, please understand that the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization. Please also understand that the requests contained in this subpoena, to the extent they call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public.

Thank you for your assistance in this matter, and please take note that we will be responsible for reasonable photocopying expenses for the production of these documents and electronically stored information.

Sincerely,



James A. Campbell

cc: All counsel of record

Encl.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

UNITED STATES DISTRICT COURT
for the
Northern District of California

Kristin M. Perry, et al.)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 09-cv-2292 VRW
Arnold Schwarzenegger, et al.)	
<i>Defendant</i>)	(If the action is pending in another district, state where:

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES**

To: No on Proposition 8, Campaign for Marriage Equality, A Project of the American Civil Liberties Union of Northern California c/o Bonnie S. Anderson, 39 Drumm Street, San Francisco, California 94111

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See attached Exhibit A for list of requested documents and electronically stored information.

Place: The Law Firm of J. Hector Moreno, Jr. and Associates 51 E. Campbell Ave., Suite 128 Campbell, California 95008	Date and Time: 09/17/2009 12:00 pm
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 08/27/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* The Proposition 8
Proponents and ProtectMarriage.com, who issues or requests this subpoena, are:
James A. Campbell, 15100 N. 90th Street, Scottsdale, Arizona 85260, jcampbell@teliadf.org, (480) 444-0020.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises (Page 2)

Civil Action No. 09-cv-2292 VRW

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena to *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

Instructions

1
2
3 1. Your organization is required to furnish all documents, electronically stored
4 information, or things in your possession, custody, or control, or known or available to you,
5 regardless of whether such documents, electronically stored information, or things are possessed
6 directly by you or your employees, agents, representatives, accountants, attorneys, investigators, or
7 consultants.

8 2. All documents should be produced in the same manner as they are kept in the
9 ordinary course of business, or the documents should be organized and labeled to correspond to the
10 categories in this Request.

11 3. All electronically stored information should be produced in the same manner as it is
12 kept in the ordinary course of business, or that information should be organized and labeled to
13 correspond to the categories in this Request.

14 4. If any portion of a document is included within this Request, the entire document
15 should be produced.

16 5. If any document cannot be produced in full, you should produce that document to
17 the fullest extent possible, specifying the reasons for your inability to produce the remainder, and
18 stating whatever information, knowledge, or belief you have concerning the portion of the
19 document that is not produced.

20 6. Unless otherwise indicated, this Request applies to the period of time from January
21 1, 2006, through and including the date of production of the requested documents.

22 **Definitions**

23 1. "You" and "your" mean the organization identified in the Subpoena to which this
24 Exhibit is attached. It includes all predecessor or successor organizations regardless of their names.
25 It also includes all employees, agents, or representatives of that organization.

26 2. "Proposition 8" means the proposition that was placed on the November 2008 ballot
27 in the State of California and became known as "Proposition 8" for purposes of that election. No
28 reference to "Proposition 8" shall be construed as limited by the date on which Proposition 8

1 received its official name, number, or ballot title.

2 3. "Document" includes, but is not limited to, hard copies, electronic documents,
3 electronic or computerized data compilations, software, software images, or downloads. This term
4 applies to all documents, whether in hard copy or electronic form, on your computers or the
5 computers of your employees, agents, or representatives, whether provided by you to such
6 individual or otherwise.

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

9 5. "Reflecting," "relating," "supporting," "concerning," "evidencing," "referring," or
10 "showing" includes the common meaning of those words as well as the indirect and direct
11 references to the subject matter set forth in this Request.

12 **Requested Documents and Electronically Stored Information**

13 1. Produce all documents constituting literature, pamphlets, flyers, direct mail,
14 advertisements, emails, text messages, press releases, or other materials that you distributed to
15 voters, donors, potential donors, or members of the media regarding Proposition 8.

16 2. Produce all versions of any internet advertisement relating to Proposition 8 that you
17 had any involvement producing, creating, or distributing.

18 3. Produce all versions of any television advertisement relating to Proposition 8 that
19 you had any involvement producing, creating, or distributing.

20 4. Produce all versions of any radio advertisement relating to Proposition 8 that you
21 had any involvement producing, creating, or distributing.

22 5. Produce all plans, schematics, and versions of websites relating to Proposition 8 that
23 you hosted, paid for, or sponsored.

24 6. Produce all documents constituting communications that you prepared for public
25 distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points,
26 articles, notes, and automated telemarketing phone calls.

27 7. Produce all documents reflecting your postings related to Proposition 8 on social
28 networking websites, including but not limited to Facebook, MySpace, and Twitter.

1 8. Produce all versions of any documents that reflect communications relating to
2 Proposition 8 between you and any third party, including but not limited to members of the media.

3 9. Produce documents showing the name and title of every employee of your
4 organization since January 2008 who was involved in your campaign against Proposition 8,
5 including but not limited to organizational charts.

6 10. Produce all documents reflecting public media coverage of Proposition 8 referring or
7 related to your organization.

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August 27, 2009

Californians Against Eliminating Basic Rights
c/o James Harrison
201 Dolores Avenue
San Leandro, California 94577

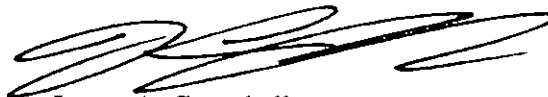
Re: *Perry v. Schwarzenegger*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Mr. Harrison:

Enclosed herewith is a subpoena to produce documents and electronically stored information in the above-captioned matter. In responding to and interpreting these document requests, please follow the same narrowing constructions that the Proposition 8 Proponents and ProtectMarriage.com are following with respect to their responses to document requests from the Plaintiffs in this action. Thus, please understand that the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization. Please also understand that the requests contained in this subpoena, to the extent they call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public.

Thank you for your assistance in this matter, and please take note that we will be responsible for reasonable photocopying expenses for the production of these documents and electronically stored information.

Sincerely,



James A. Campbell

cc: All counsel of record

Encl.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

UNITED STATES DISTRICT COURT

for the Northern District of California

Kristin M. Perry, et al. Plaintiff v. Arnold Schwarzenegger, et al. Defendant Civil Action No. 09-cv-2292 VRW (If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES

To: Californians Against Eliminating Basic Rights c/o James Harrison 201 Dolores Avenue, San Leandro, California 94577

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See attached Exhibit A for list of requested documents and electronically stored information.

Table with 2 columns: Place (The Law Firm of J. Hector Moreno, Jr. and Associates) and Date and Time (09/17/2009 12:00 pm)

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time (empty)

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 08/27/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) The Proposition 8 Proponents and ProtectMarriage.com, who issues or requests this subpoena, are: James A. Campbell, 15100 N. 90th Street, Scottsdale, Arizona 85260, jcampbell@telladf.org, (480) 444-0020.

Civil Action No. 09-cv-2292 VRW

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena to *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

Instructions

1
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3 1. Your organization is required to furnish all documents, electronically stored
4 information, or things in your possession, custody, or control, or known or available to you,
5 regardless of whether such documents, electronically stored information, or things are possessed
6 directly by you or your employees, agents, representatives, accountants, attorneys, investigators, or
7 consultants.

8 2. All documents should be produced in the same manner as they are kept in the
9 ordinary course of business, or the documents should be organized and labeled to correspond to the
10 categories in this Request.

11 3. All electronically stored information should be produced in the same manner as it is
12 kept in the ordinary course of business, or that information should be organized and labeled to
13 correspond to the categories in this Request.

14 4. If any portion of a document is included within this Request, the entire document
15 should be produced.

16 5. If any document cannot be produced in full, you should produce that document to
17 the fullest extent possible, specifying the reasons for your inability to produce the remainder, and
18 stating whatever information, knowledge, or belief you have concerning the portion of the
19 document that is not produced.

20 6. Unless otherwise indicated, this Request applies to the period of time from January
21 1, 2006, through and including the date of production of the requested documents.

22 **Definitions**

23 1. "You" and "your" mean the organization identified in the Subpoena to which this
24 Exhibit is attached. It includes all predecessor or successor organizations regardless of their names.
25 It also includes all employees, agents, or representatives of that organization.

26 2. "Proposition 8" means the proposition that was placed on the November 2008 ballot
27 in the State of California and became known as "Proposition 8" for purposes of that election. No
28 reference to "Proposition 8" shall be construed as limited by the date on which Proposition 8

1 received its official name, number, or ballot title.

2 3. "Document" includes, but is not limited to, hard copies, electronic documents,
3 electronic or computerized data compilations, software, software images, or downloads. This term
4 applies to all documents, whether in hard copy or electronic form, on your computers or the
5 computers of your employees, agents, or representatives, whether provided by you to such
6 individual or otherwise.

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

9 5. "Reflecting," "relating," "supporting," "concerning," "evidencing," "referring," or
10 "showing" includes the common meaning of those words as well as the indirect and direct
11 references to the subject matter set forth in this Request.

12 **Requested Documents and Electronically Stored Information**

13 1. Produce all documents constituting literature, pamphlets, flyers, direct mail,
14 advertisements, emails, text messages, press releases, or other materials that you distributed to
15 voters, donors, potential donors, or members of the media regarding Proposition 8.

16 2. Produce all versions of any internet advertisement relating to Proposition 8 that you
17 had any involvement producing, creating, or distributing.

18 3. Produce all versions of any television advertisement relating to Proposition 8 that
19 you had any involvement producing, creating, or distributing.

20 4. Produce all versions of any radio advertisement relating to Proposition 8 that you
21 had any involvement producing, creating, or distributing.

22 5. Produce all plans, schematics, and versions of websites relating to Proposition 8 that
23 you hosted, paid for, or sponsored.

24 6. Produce all documents constituting communications that you prepared for public
25 distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points,
26 articles, notes, and automated telemarketing phone calls.

27 7. Produce all documents reflecting your postings related to Proposition 8 on social
28 networking websites, including but not limited to Facebook, MySpace, and Twitter.

1 8. Produce all versions of any documents that reflect communications relating to
2 Proposition 8 between you and any third party, including but not limited to members of the media.

3 9. Produce documents showing the name and title of every employee of your
4 organization since January 2008 who was involved in your campaign against Proposition 8,
5 including but not limited to organizational charts.

6 10. Produce all documents reflecting public media coverage of Proposition 8 referring or
7 related to your organization.

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August 27, 2009

Courage Campaign
c/o Stephen J. Kaufman
777 S. Figueroa Street, Suite 4050
Los Angeles, California 90017

Re: *Perry v. Schwarzenegger*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Mr. Kaufman:

Enclosed herewith is a subpoena to produce documents and electronically stored information in the above-captioned matter. In responding to and interpreting these document requests, please follow the same narrowing constructions that the Proposition 8 Proponents and ProtectMarriage.com are following with respect to their responses to document requests from the Plaintiffs in this action. Thus, please understand that the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization. Please also understand that the requests contained in this subpoena, to the extent they call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public.

Thank you for your assistance in this matter, and please take note that we will be responsible for reasonable photocopying expenses for the production of these documents and electronically stored information.

Sincerely,

A handwritten signature in black ink, appearing to read 'James A. Campbell', is written over a horizontal line.

James A. Campbell

cc: All counsel of record

Encl.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

UNITED STATES DISTRICT COURT

for the
Central District of California

Kristin M. Perry, et al.
Plaintiff
v.
Arnold Schwarzenegger, et al.
Defendant
Civil Action No. 09-cv-2292 VRW
(If the action is pending in another district, state where:
Northern District of California

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES

To: Courage Campaign c/o Stephen J. Kaufman
777 S. Figueroa Street, Suite 4050, Los Angeles, California 90017

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following
documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the
material: See attached Exhibit A for list of requested documents and electronically stored information.

Place: Sam Kim and Associates, P.C.
5661 Beach Blvd.
Buena Park, California 90621
Date and Time:
09/17/2009 12:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or
other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party
may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule
45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are
attached.

Date: 08/27/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) The Proposition 8
Proponents and ProtectMarriage.com, who issues or requests this subpoena, are:
James A. Campbell, 15100 N. 90th Street, Scottsdale, Arizona 85260, jcampbell@telladf.org, (480) 444-0020.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises (Page 2)

Civil Action No. 09-cv-2292 VRW

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena to *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

Instructions

1
2
3 1. Your organization is required to furnish all documents, electronically stored
4 information, or things in your possession, custody, or control, or known or available to you,
5 regardless of whether such documents, electronically stored information, or things are possessed
6 directly by you or your employees, agents, representatives, accountants, attorneys, investigators, or
7 consultants.

8 2. All documents should be produced in the same manner as they are kept in the
9 ordinary course of business, or the documents should be organized and labeled to correspond to the
10 categories in this Request.

11 3. All electronically stored information should be produced in the same manner as it is
12 kept in the ordinary course of business, or that information should be organized and labeled to
13 correspond to the categories in this Request.

14 4. If any portion of a document is included within this Request, the entire document
15 should be produced.

16 5. If any document cannot be produced in full, you should produce that document to
17 the fullest extent possible, specifying the reasons for your inability to produce the remainder, and
18 stating whatever information, knowledge, or belief you have concerning the portion of the
19 document that is not produced.

20 6. Unless otherwise indicated, this Request applies to the period of time from January
21 1, 2006, through and including the date of production of the requested documents.

22 **Definitions**

23 1. "You" and "your" mean the organization identified in the Subpoena to which this
24 Exhibit is attached. It includes all predecessor or successor organizations regardless of their names.
25 It also includes all employees, agents, or representatives of that organization.

26 2. "Proposition 8" means the proposition that was placed on the November 2008 ballot
27 in the State of California and became known as "Proposition 8" for purposes of that election. No
28 reference to "Proposition 8" shall be construed as limited by the date on which Proposition 8

1 received its official name, number, or ballot title.

2 3. "Document" includes, but is not limited to, hard copies, electronic documents,
3 electronic or computerized data compilations, software, software images, or downloads. This term
4 applies to all documents, whether in hard copy or electronic form, on your computers or the
5 computers of your employees, agents, or representatives, whether provided by you to such
6 individual or otherwise.

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

9 5. "Reflecting," "relating," "supporting," "concerning," "evidencing," "referring," or
10 "showing" includes the common meaning of those words as well as the indirect and direct
11 references to the subject matter set forth in this Request.

12 **Requested Documents and Electronically Stored Information**

13 1. Produce all documents constituting literature, pamphlets, flyers, direct mail,
14 advertisements, emails, text messages, press releases, or other materials that you distributed to
15 voters, donors, potential donors, or members of the media regarding Proposition 8.

16 2. Produce all versions of any internet advertisement relating to Proposition 8 that you
17 had any involvement producing, creating, or distributing.

18 3. Produce all versions of any television advertisement relating to Proposition 8 that
19 you had any involvement producing, creating, or distributing.

20 4. Produce all versions of any radio advertisement relating to Proposition 8 that you
21 had any involvement producing, creating, or distributing.

22 5. Produce all plans, schematics, and versions of websites relating to Proposition 8 that
23 you hosted, paid for, or sponsored.

24 6. Produce all documents constituting communications that you prepared for public
25 distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points,
26 articles, notes, and automated telemarketing phone calls.

27 7. Produce all documents reflecting your postings related to Proposition 8 on social
28 networking websites, including but not limited to Facebook, MySpace, and Twitter.

1 8. Produce all versions of any documents that reflect communications relating to
2 Proposition 8 between you and any third party, including but not limited to members of the media.

3 9. Produce documents showing the name and title of every employee of your
4 organization since January 2008 who was involved in your campaign against Proposition 8,
5 including but not limited to organizational charts.

6 10. Produce all documents reflecting public media coverage of Proposition 8 referring or
7 related to your organization.

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August 27, 2009

Win Marriage Back, A Project of Equality California
(formerly known as No on 8 – Equality California)
c/o James B. Carroll
2370 Market Street, 2nd Floor
San Francisco, California 94114

Re: *Perry v. Schwarzenegger*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Mr. Carroll:

Enclosed herewith is a subpoena to produce documents and electronically stored information in the above-captioned matter. In responding to and interpreting these document requests, please follow the same narrowing constructions that the Proposition 8 Proponents and ProtectMarriage.com are following with respect to their responses to document requests from the Plaintiffs in this action. Thus, please understand that the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization. Please also understand that the requests contained in this subpoena, to the extent they call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public.

Thank you for your assistance in this matter, and please take note that we will be responsible for reasonable photocopying expenses for the production of these documents and electronically stored information.

Sincerely,

James A. Campbell

cc: All counsel of record

Encl.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

UNITED STATES DISTRICT COURT
for the
Northern District of California

Kristin M. Perry, et al.)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 09-cv-2292 VRW
Arnold Schwarzenegger, et al.)	
<i>Defendant</i>)	(If the action is pending in another district, state where:

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES**

To: Win Marriage Back, A Project of Equality California (formerly known as No on 8 - Equality California)
c/o James B. Carroll, 2370 Market Street, 2nd Floor, San Francisco, California 94114

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See attached Exhibit A for list of requested documents and electronically stored information.

Place: The Law Firm of J. Hector Moreno, Jr. and Associates 51 E. Campbell Ave., Suite 128 Campbell, California 95008	Date and Time: 09/17/2009 12:00 pm
---	---

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------


The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 08/27/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing The Proposition 8
Proponents and ProtectMarriage.com, who issues or requests this subpoena, are:
James A. Campbell, 15100 N. 90th Street, Scottsdale, Arizona 85260, jcampbell@telladf.org, (480) 444-0020.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises (Page 2)

Civil Action No. 09-cv-2292 VRW

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena to *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

Instructions

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3 1. Your organization is required to furnish all documents, electronically stored
4 information, or things in your possession, custody, or control, or known or available to you,
5 regardless of whether such documents, electronically stored information, or things are possessed
6 directly by you or your employees, agents, representatives, accountants, attorneys, investigators, or
7 consultants.

8 2. All documents should be produced in the same manner as they are kept in the
9 ordinary course of business, or the documents should be organized and labeled to correspond to the
10 categories in this Request.

11 3. All electronically stored information should be produced in the same manner as it is
12 kept in the ordinary course of business, or that information should be organized and labeled to
13 correspond to the categories in this Request.

14 4. If any portion of a document is included within this Request, the entire document
15 should be produced.

16 5. If any document cannot be produced in full, you should produce that document to
17 the fullest extent possible, specifying the reasons for your inability to produce the remainder, and
18 stating whatever information, knowledge, or belief you have concerning the portion of the
19 document that is not produced.

20 6. Unless otherwise indicated, this Request applies to the period of time from January
21 1, 2006, through and including the date of production of the requested documents.

22 **Definitions**

23 1. "You" and "your" mean the organization identified in the Subpoena to which this
24 Exhibit is attached. It includes all predecessor or successor organizations regardless of their names.
25 It also includes all employees, agents, or representatives of that organization.

26 2. "Proposition 8" means the proposition that was placed on the November 2008 ballot
27 in the State of California and became known as "Proposition 8" for purposes of that election. No
28 reference to "Proposition 8" shall be construed as limited by the date on which Proposition 8

1 received its official name, number, or ballot title.

2 3. "Document" includes, but is not limited to, hard copies, electronic documents,
3 electronic or computerized data compilations, software, software images, or downloads. This term
4 applies to all documents, whether in hard copy or electronic form, on your computers or the
5 computers of your employees, agents, or representatives, whether provided by you to such
6 individual or otherwise.

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

9 5. "Reflecting," "relating," "supporting," "concerning," "evidencing," "referring," or
10 "showing" includes the common meaning of those words as well as the indirect and direct
11 references to the subject matter set forth in this Request.

12 **Requested Documents and Electronically Stored Information**

13 1. Produce all documents constituting literature, pamphlets, flyers, direct mail,
14 advertisements, emails, text messages, press releases, or other materials that you distributed to
15 voters, donors, potential donors, or members of the media regarding Proposition 8.

16 2. Produce all versions of any internet advertisement relating to Proposition 8 that you
17 had any involvement producing, creating, or distributing.

18 3. Produce all versions of any television advertisement relating to Proposition 8 that
19 you had any involvement producing, creating, or distributing.

20 4. Produce all versions of any radio advertisement relating to Proposition 8 that you
21 had any involvement producing, creating, or distributing.

22 5. Produce all plans, schematics, and versions of websites relating to Proposition 8 that
23 you hosted, paid for, or sponsored.

24 6. Produce all documents constituting communications that you prepared for public
25 distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points,
26 articles, notes, and automated telemarketing phone calls.

27 7. Produce all documents reflecting your postings related to Proposition 8 on social
28 networking websites, including but not limited to Facebook, MySpace, and Twitter.

1 8. Produce all versions of any documents that reflect communications relating to
2 Proposition 8 between you and any third party, including but not limited to members of the media.

3 9. Produce documents showing the name and title of every employee of your
4 organization since January 2008 who was involved in your campaign against Proposition 8,
5 including but not limited to organizational charts.

6 10. Produce all documents reflecting public media coverage of Proposition 8 referring or
7 related to your organization.

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August 27, 2009

No on 8, Equality for All
c/o Cary Davidson
520 S. Grand Ave., Suite 700
Los Angeles, California 90071

Re: *Perry v. Schwarzenegger*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Cary Davidson:

Enclosed herewith is a subpoena to produce documents and electronically stored information in the above-captioned matter. In responding to and interpreting these document requests, please follow the same narrowing constructions that the Proposition 8 Proponents and ProtectMarriage.com are following with respect to their responses to document requests from the Plaintiffs in this action. Thus, please understand that the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization. Please also understand that the requests contained in this subpoena, to the extent they call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public.

Thank you for your assistance in this matter, and please take note that we will be responsible for reasonable photocopying expenses for the production of these documents and electronically stored information.

Sincerely,



James A. Campbell

cc: All counsel of record

Encl.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

UNITED STATES DISTRICT COURT
for the
Central District of California

Kristin M. Perry, et al.
Plaintiff
v.
Arnold Schwarzenegger, et al.
Defendant
Civil Action No. 09-cv-2292 VRW
(If the action is pending in another district, state where:
Northern District of California

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES

To: No on 8, Equality for All c/o Cary Davidson
520 S. Grand Ave., Suite 700, Los Angeles, California 90071

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See attached Exhibit A for list of requested documents and electronically stored information.

Table with 2 columns: Place and Date and Time. Place: Sam Kim and Associates, P.C., 5661 Beach Blvd., Buena Park, California 90621. Date and Time: 09/17/2009 12:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time. Both fields are empty.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 08/27/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) The Proposition 8 Proponents and ProtectMarriage.com, who issues or requests this subpoena, are: James A. Campbell, 15100 N. 90th Street, Scottsdale, Arizona 85260, jcampbell@telladf.org, (480) 444-0020.

Civil Action No. 09-cv-2292 VRW

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena to *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

Instructions

1
2
3 1. Your organization is required to furnish all documents, electronically stored
4 information, or things in your possession, custody, or control, or known or available to you,
5 regardless of whether such documents, electronically stored information, or things are possessed
6 directly by you or your employees, agents, representatives, accountants, attorneys, investigators, or
7 consultants.

8 2. All documents should be produced in the same manner as they are kept in the
9 ordinary course of business, or the documents should be organized and labeled to correspond to the
10 categories in this Request.

11 3. All electronically stored information should be produced in the same manner as it is
12 kept in the ordinary course of business, or that information should be organized and labeled to
13 correspond to the categories in this Request.

14 4. If any portion of a document is included within this Request, the entire document
15 should be produced.

16 5. If any document cannot be produced in full, you should produce that document to
17 the fullest extent possible, specifying the reasons for your inability to produce the remainder, and
18 stating whatever information, knowledge, or belief you have concerning the portion of the
19 document that is not produced.

20 6. Unless otherwise indicated, this Request applies to the period of time from January
21 1, 2006, through and including the date of production of the requested documents.

22 **Definitions**

23 1. "You" and "your" mean the organization identified in the Subpoena to which this
24 Exhibit is attached. It includes all predecessor or successor organizations regardless of their names.
25 It also includes all employees, agents, or representatives of that organization.

26 2. "Proposition 8" means the proposition that was placed on the November 2008 ballot
27 in the State of California and became known as "Proposition 8" for purposes of that election. No
28 reference to "Proposition 8" shall be construed as limited by the date on which Proposition 8

1 received its official name, number, or ballot title.

2 3. "Document" includes, but is not limited to, hard copies, electronic documents,
3 electronic or computerized data compilations, software, software images, or downloads. This term
4 applies to all documents, whether in hard copy or electronic form, on your computers or the
5 computers of your employees, agents, or representatives, whether provided by you to such
6 individual or otherwise.

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

9 5. "Reflecting," "relating," "supporting," "concerning," "evidencing," "referring," or
10 "showing" includes the common meaning of those words as well as the indirect and direct
11 references to the subject matter set forth in this Request.

12 **Requested Documents and Electronically Stored Information**

13 1. Produce all documents constituting literature, pamphlets, flyers, direct mail,
14 advertisements, emails, text messages, press releases, or other materials that you distributed to
15 voters, donors, potential donors, or members of the media regarding Proposition 8.

16 2. Produce all versions of any internet advertisement relating to Proposition 8 that you
17 had any involvement producing, creating, or distributing.

18 3. Produce all versions of any television advertisement relating to Proposition 8 that
19 you had any involvement producing, creating, or distributing.

20 4. Produce all versions of any radio advertisement relating to Proposition 8 that you
21 had any involvement producing, creating, or distributing.

22 5. Produce all plans, schematics, and versions of websites relating to Proposition 8 that
23 you hosted, paid for, or sponsored.

24 6. Produce all documents constituting communications that you prepared for public
25 distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points,
26 articles, notes, and automated telemarketing phone calls.

27 7. Produce all documents reflecting your postings related to Proposition 8 on social
28 networking websites, including but not limited to Facebook, MySpace, and Twitter.

1 8. Produce all versions of any documents that reflect communications relating to
2 Proposition 8 between you and any third party, including but not limited to members of the media.

3 9. Produce documents showing the name and title of every employee of your
4 organization since January 2008 who was involved in your campaign against Proposition 8,
5 including but not limited to organizational charts.

6 10. Produce all documents reflecting public media coverage of Proposition 8 referring or
7 related to your organization.

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August 27, 2009

Human Rights Campaign California Marriage PAC – No on 8
c/o C T Corporation System
818 West Seventh Street
Los Angeles, California 90017

Re: *Perry v. Schwarzenegger*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Recipient:

Enclosed herewith is a subpoena to produce documents and electronically stored information in the above-captioned matter. In responding to and interpreting these document requests, please follow the same narrowing constructions that the Proposition 8 Proponents and ProtectMarriage.com are following with respect to their responses to document requests from the Plaintiffs in this action. Thus, please understand that the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization. Please also understand that the requests contained in this subpoena, to the extent they call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public.

Thank you for your assistance in this matter, and please take note that we will be responsible for reasonable photocopying expenses for the production of these documents and electronically stored information.

Sincerely,

A handwritten signature in black ink, appearing to read 'James A. Campbell', is written over a white rectangular area.

James A. Campbell

cc: All counsel of record

Encl.

AO 88B (Rev. 01/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

UNITED STATES DISTRICT COURT

for the
Central District of California

Kristin M. Perry, et al.
Plaintiff
v.
Arnold Schwarzenegger, et al.
Defendant
Civil Action No. 09-cv-2292 VRW
(If the action is pending in another district, state where:
Northern District of California

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES

To: Human Rights Campaign California Marriage PAC - No on 8 c/o C T Corporation System
818 West Seventh Street, Los Angeles, California 90017

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following
documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the
material: See attached Exhibit A for list of requested documents and electronically stored information.

Place: Sam Kim and Associates, P.C.
5661 Beach Blvd.
Buena Park, California 90621
Date and Time:
09/17/2009 12:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or
other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party
may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule
45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are
attached.

Date: 08/27/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) The Proposition 8
Proponents and ProtectMarriage.com, who issues or requests this subpoena, are:
James A. Campbell, 15100 N. 90th Street, Scottsdale, Arizona 85260, jcampbell@telladf.org, (480) 444-0020.

Civil Action No. 09-cv-2292 VRW

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena to *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

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(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

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EXHIBIT A

Instructions

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6 directly by you or your employees, agents, representatives, accountants, attorneys, investigators, or
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18 stating whatever information, knowledge, or belief you have concerning the portion of the
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20 6. Unless otherwise indicated, this Request applies to the period of time from January
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22 **Definitions**

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24 Exhibit is attached. It includes all predecessor or successor organizations regardless of their names.
25 It also includes all employees, agents, or representatives of that organization.

26 2. "Proposition 8" means the proposition that was placed on the November 2008 ballot
27 in the State of California and became known as "Proposition 8" for purposes of that election. No
28 reference to "Proposition 8" shall be construed as limited by the date on which Proposition 8

1 received its official name, number, or ballot title.

2 3. "Document" includes, but is not limited to, hard copies, electronic documents,
3 electronic or computerized data compilations, software, software images, or downloads. This term
4 applies to all documents, whether in hard copy or electronic form, on your computers or the
5 computers of your employees, agents, or representatives, whether provided by you to such
6 individual or otherwise.

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

9 5. "Reflecting," "relating," "supporting," "concerning," "evidencing," "referring," or
10 "showing" includes the common meaning of those words as well as the indirect and direct
11 references to the subject matter set forth in this Request.

12 **Requested Documents and Electronically Stored Information**

13 1. Produce all documents constituting literature, pamphlets, flyers, direct mail,
14 advertisements, emails, text messages, press releases, or other materials that you distributed to
15 voters, donors, potential donors, or members of the media regarding Proposition 8.

16 2. Produce all versions of any internet advertisement relating to Proposition 8 that you
17 had any involvement producing, creating, or distributing.

18 3. Produce all versions of any television advertisement relating to Proposition 8 that
19 you had any involvement producing, creating, or distributing.

20 4. Produce all versions of any radio advertisement relating to Proposition 8 that you
21 had any involvement producing, creating, or distributing.

22 5. Produce all plans, schematics, and versions of websites relating to Proposition 8 that
23 you hosted, paid for, or sponsored.

24 6. Produce all documents constituting communications that you prepared for public
25 distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points,
26 articles, notes, and automated telemarketing phone calls.

27 7. Produce all documents reflecting your postings related to Proposition 8 on social
28 networking websites, including but not limited to Facebook, MySpace, and Twitter.

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8. Produce all versions of any documents that reflect communications relating to Proposition 8 between you and any third party, including but not limited to members of the media.

9. Produce documents showing the name and title of every employee of your organization since January 2008 who was involved in your campaign against Proposition 8, including but not limited to organizational charts.

10. Produce all documents reflecting public media coverage of Proposition 8 referring or related to your organization.