

# Exhibit E

1 **REED & DAVIDSON, LLP**  
 2 Stuart L. Leviton (SB# 169046)  
 3 3699 Wilshire Blvd., Ste. 1290  
 4 Los Angeles, CA 90010  
 Telephone: (213) 624-6200  
 Facsimile: (213) 623-1692  
 stuart@politicallaw.com

5 Attorneys for Non-Party  
 6 FRED KARGER

7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA  
 10 SACRAMENTO DIVISION

11 PROTECTMARRIAGE.COM ET AL.,  
 12 Plaintiffs,  
 13 vs.  
 14 BOWEN ET AL.,  
 15 Defendants.

Case No. 2:09-CV-00058-MCE-DAD  
 FRED KARGER'S OBJECTIONS AND  
 RESPONSES TO THE SUBPENA  
 DATED SEPTEMBER 1, 2009  
 PROPOUNDED BY THE PLAINTIFFS

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

1 Pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure, Fred  
2 Karger, an individual ("Responding Party") hereby objects to and responds to the  
3 Subpoena ("the Subpoena") issued on September 1, 2009 by the Plaintiffs  
4 ("Propounding Parties") as follows:

#### 5 GENERAL OBJECTIONS

6 Responding Party makes the following general objections to the Subpoena:

7 1. Responding Party objects to the Subpoena and each and every  
8 request contained therein to the extent it seeks information and documents that were not  
9 publicly distributed. Responding Party will not produce private and/or confidential  
10 documents, and/or documents protected from disclosure by the attorney/client privilege  
11 and/or the attorney work-product doctrine.

12 2. Responding Party objects that he has been subpoenaed as an  
13 individual, and not in any official capacity with any legal entity. Californians Against  
14 Hate is a separate and distinct legal entity. It is a California nonprofit public benefit  
15 corporation. Responding Party has not been subpoenaed in any capacity associated with  
16 Californians Against Hate, and as such, will not respond in any way on behalf of  
17 Californians Against Hate. Responding Party notes that it appears that to the extent  
18 discoverable documents may exist, they are likely to be in the care, custody, and/or  
19 control of the custodian of records for Californians Against Hate.

20 3. Responding Party objects that the Requests are overbroad and invade  
21 his federal and California constitutional rights, including without limitation, his rights as  
22 a member of the news media and his right to engage in the political process.

#### 23 SPECIFIC OBJECTIONS AND RESPONSES

24 Responding Party expressly incorporates the above general objections as  
25 though set forth fully in response to the following request for documents and things,  
26 and, to the extent that they are not raised in the particular response, Responding Party  
27 does not waive the objections.

28 ///

1 **REQUEST NO. 1:**

2 Any and all of communications (including but not limited to emails, faxes,  
3 and letters) sent or received by any officers and/or employees of Californians Against  
4 Hate between January 1, 2008 and the present, related to the following websites, or any  
5 other websites related to Proposition 8 sponsored by, run by, or promoted by  
6 Californians Against Hate:

7 <http://californiansagainsthate.com/>

8 <http://www.boycottmanchesterhotels.com/>

9 <http://boycotta-1selfstorage.com/>

10 **RESPONSE TO REQUEST NO. 1:**

11 Responding Party objects that this Request is vague and ambiguous.  
12 Responding Party further objects that this Request is overbroad and unduly burdensome.  
13 Responding Party further objects that he has been subpoenaed in his individual capacity  
14 and not as the custodian of records of Californians Against Hate.

15 Subject to and without waiving any objection, Responding Party states that  
16 he has no discoverable responsive documents within his individual care, custody, and/or  
17 control.

18 **REQUEST NO. 2:**

19 Any and all documents or electronically stored information, as defined in  
20 Federal Rule of Civil Procedure 34(a)(1)(A), created between January 1, 2008 and the  
21 present, related to the purpose or purposes behind the following websites, or any other  
22 websites related to Proposition 8 sponsored by, run by, or promoted by Californians  
23 Against Hate.

24 <http://californiansagainsthate.com/>

25 <http://www.boycottmanchesterhotels.com/>

26 <http://boycotta-1selfstorage.com/>

27 ///

28 ///

**RESPONSE TO REQUEST NO. 2:**

Responding Party objects that this Request is vague, ambiguous, and unintelligible. Responding Party further objects that this Request is overbroad and unduly burdensome. Responding Party further objects that he has been subpoenaed in his individual capacity and not as the custodian of records of Californians Against Hate.

Subject to and without waiving any objection, Responding Party states that he has no discoverable responsive documents within his individual care, custody, and/or control.

**REQUEST NO. 3:**

Any and all documents, as defined in Federal Rule of Civil Procedure 34(a)(1)(A), created between January 1, 2008 and the present, showing where Californians Against Hate received the information on the donors who supported Proposition 8, the amount those donors gave in support of Proposition 8, the personal information on those donors, and/or the employers of those donors, as listed on the following websites, or any other websites related to Proposition 8 sponsored by, run by, or promoted by Californians Against Hate:

<http://californiansagainsthate.com/>

<http://www.boycottmanchesterhotels.com/>

<http://boycotta-1selfstorage.com/>

**RESPONSE TO REQUEST NO. 3:**

Responding Party objects that this Request is vague and ambiguous. Responding Party further objects that this Request is overbroad and unduly burdensome. Responding Party further objects that he has been subpoenaed in his individual capacity and not as the custodian of records of Californians Against Hate.

Subject to and without waiving any objection, Responding Party states that he has no discoverable responsive documents within his individual care, custody, and/or control.

///

**REQUEST NO. 4:**

Any and all documents, as defined in Federal Rule of Civil Procedure 34(a)(1)(A), created between January 1, 2008 and the present, showing how the donor information listed on the following websites has been further disseminated to other people, or as listed on any other websites related to Proposition 8 sponsored by, run by, or promoted by Californians Against Hate:

<http://californiansagainsthate.com/>

<http://www.boycottmanchesterhotels.com/>

<http://boycotta-1selfstorage.com/>

**RESPONSE TO REQUEST NO. 4:**

Responding Party objects that this Request is vague and ambiguous. Responding Party further objects that this Request is overbroad and unduly burdensome. Responding Party further objects that he has been subpoenaed in his individual capacity and not as the custodian of records of Californians Against Hate.

Subject to and without waiving any objection, Responding Party states that he has no discoverable responsive documents within his individual care, custody, and/or control.

**REQUEST NO. 5:**

Any and all financial records of Californians Against Hate filed with the IRS, including IRS Form 1024 and all IRS Form 990's.

**RESPONSE TO REQUEST NO. 5:**

Responding Party objects that this Request is vague and ambiguous. Responding Party further objects that this Request is overbroad and unduly burdensome. Responding Party further objects that he has been subpoenaed in his individual capacity and not as the custodian of records of Californians Against Hate.

Subject to and without waiving any objection, Responding Party states that he has no discoverable responsive documents within his individual care, custody, and/or control.

1 **REQUEST NO. 6:**

2 A list of all officers and employees of Californians Against Hate, including  
3 all current or former officers and employees.

4 **RESPONSE TO REQUEST NO. 6:**

5 Responding Party objects that he has been subpoenaed in his individual  
6 capacity and not as the custodian of records of Californians Against Hate.

7 Subject to and without waiving any objection, Responding Party states that  
8 he has no discoverable responsive documents within his individual care, custody, and/or  
9 control.

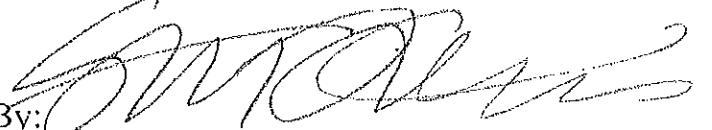
10 **NOTICE TO APPEAR:**

11 Responding Party objects that he cannot appear for his deposition on the  
12 noticed date and time. Responding Party will be out of the state on a pre-arranged trip.  
13 Responding Party further objects to the location of the deposition.

14 Subject to the foregoing, Responding Party will cooperate with  
15 Propounding Party to arrange a mutually convenient date, time, and location for his  
16 deposition.

17 Dated: September 17, 2009

REED & DAVIDSON, LLP  
Stuart L. Leviton

18  
19  
20 By: 

Stuart L. Leviton  
Attorneys for Non-Party  
FRED KARGER, individually

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing \_\_\_\_\_ and know its contents.

CHECK APPLICABLE PARAGRAPHS

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner a of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on September 17, 2009, at Los Angeles, California.

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

Type or Print Name

Signature

PROOF OF SERVICE

1013a (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 3699 Wilshire Blvd., Ste. 1290, Los Angeles, CA 90010

On, September 17, 2009 I served the foregoing document described as FRED KARGER'S OBJECTIONS AND RESPONSES TO THE SUBPENA DATED SEPTEMBER 1, 2009 PROPOUNDED BY PLAINTIFFS

on PLAINTIFFS in this action

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

Timothy D. Chandler, Esq.
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Ste. 100
Folsom, CA 95630

BY MAIL

I deposited such envelope in the mail at Los Angeles, California.

The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing.

Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on September 17, 2009, at Los Angeles, California.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the Bar of this court at whose direction the service was made.

Stuart L. Leviton

Type or Print Name

Signature

(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)