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13  
 14 Attorneys for Plaintiffs KRISTIN M. PERRY, SANDRA B. STIER,  
 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,  
 18 PAUL T. KATAMI, and JEFFREY J.  
 ZARRILLO,

19 Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, in his official  
 capacity as Governor of California; EDMUND  
 22 G. BROWN, JR., in his official capacity as  
 Attorney General of California; MARK B.  
 23 HORTON, in his official capacity as Director of  
 the California Department of Public Health and  
 State Registrar of Vital Statistics; LINETTE  
 24 SCOTT, in her official capacity as Deputy  
 Director of Health Information & Strategic  
 25 Planning for the California Department of Public  
 Health; PATRICK O'CONNELL, in his official  
 26 capacity as Clerk-Recorder for the County of  
 Alameda; and DEAN C. LOGAN, in his official  
 27 capacity as Registrar-Recorder/County Clerk for  
 the County of Los Angeles,

28 Defendants.

CASE NO. 09-CV-2292 VRW

**STIPULATION AND ~~PROPOSED~~ ORDER  
 REGARDING DISCOVERY OF EXPERT  
 WITNESSES**

1 Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo  
2 (“Plaintiffs”), Plaintiff-Intervenor City and County of San Francisco (“Plaintiff-Intervenor”),  
3 Defendant-Intervenors Proposition 8 Official Proponents Dennis Hollingsworth, Gail J. Knight,  
4 Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson; and ProtectMarriage.com –  
5 Yes on 8, A Project of California Renewal (“Defendant-Intervenors”), and Defendants Arnold  
6 Schwarzenegger, Edmund G. Brown, Jr., Mark B. Horton, Linette Scott, Patrick O’Connell, and  
7 Dean C. Logan (“Defendants”) (collectively the “Parties”), through their respective counsel of record,  
8 hereby stipulate to the following regarding the scope of discovery concerning expert witnesses in  
9 this matter:

10 1. The Parties stipulate and agree that no Party is entitled to discover the contents of  
11 communications that involve counsel for any Party and any retained expert or outside consultant,  
12 whether such expert or outside consultant is serving as a testifying or non-testifying expert;

13 2. Further, the Parties stipulate and agree that no Party is entitled to discover the contents  
14 of drafts of expert witness disclosures or reports prepared in relation to Federal Rules of Civil  
15 Procedure Rule 26(a)(2);

16 3. Nothing in this stipulation limits in any way the right of either party to discover and  
17 examine the basis for a testifying expert’s opinion or conclusion, the data or other information  
18 considered by the Outside Consultant in forming the opinion or conclusion, and any other  
19 information subject to discovery under Rule 26(a)(2); and

20 4. This Stipulation may be signed in counterparts and facsimile signatures are deemed  
21 originals for all purposes.

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1 DATED: September 16, 2009

GIBSON, DUNN & CRUTCHER LLP

2  
3 By: \_\_\_\_\_ /s/  
4 Christopher D. Dusseault

5 and

6 BOIES, SCHILLER & FLEXNER LLP

7 David Boies

8 Attorneys for Plaintiffs KRISTIN M. PERRY,  
9 SANDRA B. STIER, PAUL T. KATAMI, and  
10 JEFFREY J. ZARRILLO

11 DATED: September 10, 2009

OFFICE OF THE CITY ATTORNEY

12 By: \_\_\_\_\_ /s/  
13 Ronald Flynn

14 Attorneys for Plaintiff-Intervenor  
15 CITY AND COUNTY OF SAN FRANCISCO

16 DATED: September 10, 2009

COOPER AND KIRK, PLLC

17 By: \_\_\_\_\_ /s/  
18 David Thompson

19 Attorneys for Defendant-Intervenors  
20 PROPOSITION 8 OFFICIAL PROPONENTS; and  
21 PROTECTMARRIAGE.COM – YES ON 8, A  
22 PROJECT OF CALIFORNIA RENEWAL

23 DATED: September 16, 2009

OFFICE OF THE ATTORNEY GENERAL

24 By: \_\_\_\_\_ /s/  
25 Tamar Pachter

26 Attorneys for Defendant  
27 ATTORNEY GENERAL EDMUND G. BROWN, JR.  
28

1 DATED: September 16, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

2  
3 By: \_\_\_\_\_ /s/  
Kenneth C. Mennemeier

4  
5 Attorneys for Defendants ARNOLD  
SCHWARZENEGGER, MARK B. HORTON, and  
6 LINETTE SCOTT (the "Administration Defendants")

7 DATED: September 10, 2009

THE OFFICE OF THE COUNTY COUNSEL

8  
9 By: \_\_\_\_\_ /s/  
Claude F. Kolm, Deputy County Counsel

10  
11 Attorneys for Defendant PATRICK O'CONNELL,  
Clerk-Recorder for the County of Alameda

12 DATED: September 10, 2009

THE OFFICE OF COUNTY COUNSEL

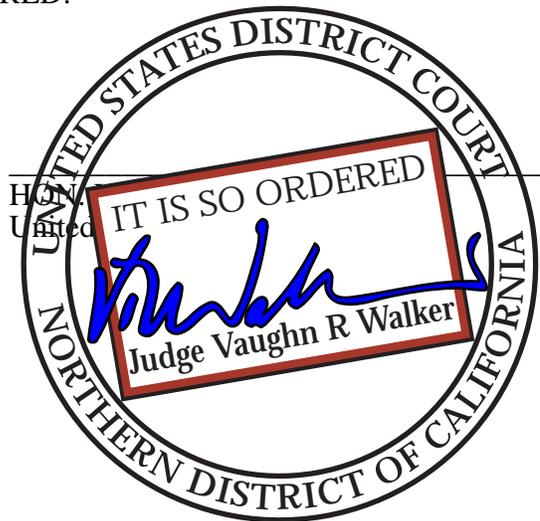
13  
14  
15 By: \_\_\_\_\_ /s/  
Judy Whitehurst

16  
17 Attorneys for Defendant DEAN C. LOGAN,  
Recorder/County Clerk for the County of Los Angeles

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20  
21  
22 Dated: September 22, 2009



**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: /s/ Enrique A. Monagas  
Enrique A. Monagas

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DATED: September 16, 2009

GIBSON, DUNN & CRUTCHER LLP

By:   
Christopher D. Dusseault

and

BOIES, SCHILLER & FLEXNER LLP

David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,  
SANDRA B. STIER, PAUL T. KATAMI, and  
JEFFREY J. ZARRILLO

DATED: September \_\_, 2009

OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
Ronald Flynn

Attorneys for Plaintiff-Intervenor  
CITY AND COUNTY OF SAN FRANCISCO

DATED: September \_\_, 2009

COOPER AND KIRK, PLLC

By: \_\_\_\_\_  
David Thompson

Attorneys for Defendant-Intervenors  
PROPOSITION 8 OFFICIAL PROPONENTS; and  
PROTECTMARRIAGE.COM – YES ON 8, A  
PROJECT OF CALIFORNIA RENEWAL

DATED: September \_\_, 2009

OFFICE OF THE ATTORNEY GENERAL

By: \_\_\_\_\_  
Tamar Pachter

Attorneys for Defendant  
ATTORNEY GENERAL EDMUND G. BROWN, JR.

1 DATED: September \_\_\_\_, 2009

GIBSON, DUNN & CRUTCHER LLP

2  
3 By: \_\_\_\_\_  
Christopher D. Dusseault

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5 BOIES, SCHILLER & FLEXNER LLP

6 David Boies

7 Attorneys for Plaintiffs KRISTIN M. PERRY,  
8 SANDRA B. STIER, PAUL T. KATAMI, and  
9 JEFFREY J. ZARRILLO

10 DATED: September 10, 2009

OFFICE OF THE CITY ATTORNEY

11  
12 By: Ronald Flynn  
Ronald Flynn

13 Attorneys for Plaintiff-Intervenor  
14 CITY AND COUNTY OF SAN FRANCISCO

15 DATED: September \_\_\_\_, 2009

COOPER AND KIRK, PLLC

16  
17  
18 By: \_\_\_\_\_  
David Thompson

19 Attorneys for Defendant-Intervenors  
20 PROPOSITION 8 OFFICIAL PROPONENTS; and  
21 PROTECTMARRIAGE.COM – YES ON 8, A  
PROJECT OF CALIFORNIA RENEWAL

22 DATED: September \_\_\_\_, 2009

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24 By: \_\_\_\_\_  
Tamar Pachter

25 Attorneys for Defendant  
26 ATTORNEY GENERAL EDMUND G. BROWN, JR.

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DATED: September \_\_, 2009

GIBSON, DUNN & CRUTCHER LLP

By: \_\_\_\_\_  
Christopher D. Dusseault

and

BOIES, SCHILLER & FLEXNER LLP

David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,  
SANDRA B. STIER, PAUL T. KATAMI, and  
JEFFREY J. ZARRILLO

DATED: September \_\_, 2009

OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
Ronald Flynn

Attorneys for Plaintiff-Intervenor  
CITY AND COUNTY OF SAN FRANCISCO

DATED: September \_\_, 2009

COOPER AND KIRK, PLLC

By: David Thompson / pb  
David Thompson

Attorneys for Defendant-Intervenors  
PROPOSITION 8 OFFICIAL PROPONENTS; and  
PROTECTMARRIAGE.COM - YES ON 8, A  
PROJECT OF CALIFORNIA RENEWAL

DATED: September \_\_, 2009

OFFICE OF THE ATTORNEY GENERAL

By: \_\_\_\_\_  
Tamar Pachter

Attorneys for Defendant  
ATTORNEY GENERAL EDMUND G. BROWN, JR.

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DATED: September \_\_\_, 2009

GIBSON, DUNN & CRUTCHER LLP

By: \_\_\_\_\_  
Christopher D. Dusseault

and

BOIES, SCHILLER & FLEXNER LLP

David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,  
SANDRA B. STIER, PAUL T. KATAMI, and  
JEFFREY J. ZARRILLO

DATED: September \_\_\_, 2009

OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
Ronald Flynn

Attorneys for Plaintiff-Intervenor  
CITY AND COUNTY OF SAN FRANCISCO

DATED: September \_\_\_, 2009

COOPER AND KIRK, PLLC

By: \_\_\_\_\_  
David Thompson

Attorneys for Defendant-Intervenors  
PROPOSITION 8 OFFICIAL PROPONENTS; and  
PROTECTMARRIAGE.COM – YES ON 8, A  
PROJECT OF CALIFORNIA RENEWAL

DATED: September 16, 2009

OFFICE OF THE ATTORNEY GENERAL

By:  \_\_\_\_\_  
Tamar Pachter

Attorneys for Defendant  
ATTORNEY GENERAL EDMUND G. BROWN, JR.

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DATED: September 16, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

By: Kenn C Mennemeier  
Kenneth C. Mennemeier

Attorneys for Defendants ARNOLD  
SCHWARZENEGGER, MARK B. HORTON, and  
LINETTE SCOTT (the "Administration Defendants")

DATED: September \_\_, 2009

THE OFFICE OF THE COUNTY COUNSEL

By: \_\_\_\_\_  
Lindsey Stern

Attorneys for Defendant PATRICK O'CONNELL,  
Clerk-Recorder for the County of Alameda

DATED: September \_\_, 2009

THE OFFICE OF COUNTY COUNSEL

By: \_\_\_\_\_  
Judy Whitehurst

Attorneys for Defendant DEAN C. LOGAN,  
Recorder/County Clerk for the County of Los Angeles

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. VAUGHN R. WALKER  
United States District Chief Judge

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DATED: September \_\_, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

By: \_\_\_\_\_  
Kenneth C. Mennemeier

Attorneys for Defendants ARNOLD  
SCHWARZENEGGER, MARK B. HORTON, and  
LINETTE SCOTT (the "Administration Defendants")

DATED: September 10, 2009

THE OFFICE OF THE COUNTY COUNSEL

By: Claude Kolm  
Claude F. Kolm, Deputy County Counsel

Attorneys for Defendant PATRICK O'CONNELL,  
Clerk-Recorder for the County of Alameda

DATED: September \_\_, 2009

THE OFFICE OF COUNTY COUNSEL

By: \_\_\_\_\_  
Judy Whitehurst

Attorneys for Defendant DEAN C. LOGAN,  
Recorder/County Clerk for the County of Los Angeles

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. VAUGHN R. WALKER  
United States District Chief Judge

100725508\_1 (2009-09-09 Stipulation re experts) (4).DOC

1 DATED: September \_\_, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

2  
3 By: \_\_\_\_\_  
Kenneth C. Mennemeier

4 Attorneys for Defendants ARNOLD  
5 SCHWARZENEGGER, MARK B. HORTON, and  
6 LINETTE SCOTT (the "Administration Defendants")

7 DATED: September \_\_, 2009

THE OFFICE OF THE COUNTY COUNSEL

8  
9 By: \_\_\_\_\_  
Lindsey Stern

10 Attorneys for Defendant PATRICK O'CONNELL,  
11 Clerk-Recorder for the County of Alameda

12 DATED: September 10, 2009

THE OFFICE OF COUNTY COUNSEL

13  
14   
15 By: \_\_\_\_\_  
Judy Whitehurst

16 Attorneys for Defendant DEAN C. LOGAN,  
17 Recorder/County Clerk for the County of Los Angeles

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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22 Dated: \_\_\_\_\_

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HON. VAUGHN R. WALKER  
United States District Chief Judge

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