

1 EDMUND G. BROWN JR.
 Attorney General of California
 2 JONATHAN K. RENNER
 Senior Assistant Attorney General
 3 GORDON BURNS
 Deputy Solicitor General
 4 TAMAR PACTHER
 Deputy Attorney General
 5 State Bar No. 146083
 455 Golden Gate Avenue, Ste 11000
 6 San Francisco, CA 94102-7004
 Telephone: (415) 703-5970
 7 Fax: (415) 703-1234
 E-mail: Tamar.Pachter@doj.ca.gov
 8 *Attorneys for Defendant*
Attorney General Edmund G. Brown Jr.

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 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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15 **KRISTIN M. PERRY, et al.,**

16 Plaintiff and Appellee,

17 v.

18 **ARNOLD SCHWARZENEGGER, et al.,**

19 Defendant and Appellant.

Case No. 09-CV-2292 VRW

**DEFENDANT ATTORNEY GENERAL'S
 RESPONSE TO MOTION FOR
 SUMMARY JUDGMENT AND JOINDER
 IN OPPOSITION TO MOTION FOR
 SUMMARY JUDGMENT**

Date: October 14, 2009
 Time: 10 a.m.
 Courtroom: 6
 Judge Chief Judge Vaughn R. Walker
 Trial Date January 11, 2010
 Action Filed: May 27, 2009

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 23 Attorney General Edmund G. Brown Jr. opposes the motion for summary judgment filed
 24 by Defendant-Intervenors, Doc. 172, and he joins the opposition filed by Plaintiffs and Plaintiff-
 25 Intervenors (collectively, "Plaintiffs"). Although the Attorney General's analysis may differ in
 26 some respects, the Attorney General has conceded the material facts in the Plaintiffs' complaints;
 27 agrees with the Plaintiffs that Proposition 8 violates the 14th Amendment, essentially for the
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1 reasons given in *In re Marriage Cases*, 43 Cal.4th 757 (2008); agrees with Plaintiffs that some
2 issues in the case could be resolved as a matter of law in *plaintiffs'* favor, Doc. 191 at 2:9; and
3 agrees that the Court should deny the motion for summary judgment.
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5 Dated: September 23, 2009

Respectfully submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California

8
9 /s/ Gordon Burns

10 GORDON BURNS
11 Deputy Solicitor General
12 *Attorneys for Defendant*
Attorney General Edmund G. Brown Jr.

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