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6 Attorneys for Defendants  
 7 Arnold Schwarzenegger, in his official capacity as Governor of  
 8 California, Mark B. Horton, in his official capacity as Director of the  
 9 California Department of Public Health and State Registrar of Vital  
 Statistics, and Linette Scott, in her official capacity as Deputy Director  
 of Health Information & Strategic Planning for the California Department  
 of Public Health

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 KRISTIN M. PERRY, SANDRA B. STIER, )  
 14 PAUL T. KATAMI, and JEFFREY J. )  
 15 ZARRILLO, )

16 Plaintiffs, )

17 v. )

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

28 Defendants. )

Case No. 09 CV 2292 VRW

**THE ADMINISTRATION DEFENDANTS'  
 STATEMENT IN RESPONSE TO  
 DEFENDANT-INTERVENORS' MOTION  
 FOR SUMMARY JUDGMENT**

Date: October 14, 2009  
 Time: 10:00 a.m.  
 Judge: Hon. Vaughn R. Walker  
 Courtroom: 6

1 PLEASE TAKE NOTICE that defendants Arnold Schwarzenegger, in his official  
2 capacity as Governor of California, Mark B. Horton, in his official capacity as Director of the  
3 California Department of Public Health and State Registrar of Vital Statistics, and Linette Scott,  
4 in her official capacity as Deputy Director of Health Information & Strategic Planning for the  
5 California Department of Public Health (collectively, the "Administration Defendants"), neither  
6 support nor oppose Defendant-Intervenors' Motion for Summary Judgment (Docket No. 172-1).

7 Dated: September 23, 2009

MENNEMEIER, GLASSMAN & STROUD LLP  
KENNETH C. MENNEMEIER  
KELCIE M. GOSLING  
LONDON D. BAILEY

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

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

2  
3 **CERTIFICATE OF SERVICE**

4 I declare as follows:

5 I am a resident of the State of California and over the age of eighteen years, and  
6 not a party to the within action; my business address is 980 9th Street, Suite 1700, Sacramento,  
California 95814. On September 23, 2009, I served the within document(s):

7 **THE ADMINISTRATION DEFENDANTS' STATEMENT IN RESPONSE TO**  
8 **DEFENDANT-INTERVENORS' MOTION FOR SUMMARY JUDGMENT**

- 9  by placing the document(s) listed above in a sealed Federal Express  
10 envelope and affixing a pre-paid air bill, and delivering to a Federal  
Express agent for delivery.
- 11  by placing the document(s) listed above in a sealed envelope, with postage  
12 thereon fully prepared, in the United States mail at Sacramento, California  
addressed as set forth below.

13 **SEE ATTACHED SERVICE LIST**

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

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

18 Executed on September 23, 2009, at Sacramento, California.

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Melissa Haagensen

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**SERVICE LIST**

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