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 16 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A
 PROJECT OF CALIFORNIA RENEWAL

17 * Admitted *pro hac vice*

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

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

22 Plaintiffs,

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Plaintiff-Intervenor,

25 v.

26 ARNOLD SCHWARZENEGGER, in his official
 27 capacity as Governor of California; EDMUND G.
 BROWN, JR., in his official capacity as Attorney
 28 General of California; MARK B. HORTON, in his

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS'
 OBJECTIONS TO EVIDENCE**

Pretrial Conference

Date: December 16, 2009

Time: 10:00 a.m.

Judge: Chief Judge Vaughn R. Walker

Location: Courtroom 6, 17th Floor

Trial Date: January 11, 2010

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

11
12 Defendants,

13 and

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

22
23 Defendant-Intervenors.
24
25
26
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Additional Counsel for Defendant-Intervenors

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**DEFENDANT-INTERVENORS' STATEMENT OF OBJECTIONS
TO EVIDENCE EXPECTED TO BE OFFERED AT TRIAL**

Pursuant to the Court's Pretrial Scheduling Order, Doc # 164, Defendant-Intervenors ("Proponents") respectfully submit that they "anticipat[e] making an objection to" the following "testimony or exhibits expected to be offered":

- On privilege grounds, exhibits or testimony constituting or relating to nonpublic information and/or Proponents' subjective intent and beliefs, the introduction of which would violate the First Amendment Privilege against compelled disclosure of core political speech and association.
- On relevance grounds, exhibits or testimony constituting or relating to nonpublic information not before the electorate at the time Proposition 8 was adopted and/or Proponents' subjective intent and beliefs, to the extent introduced in relation to the voters' intent or motivation in adopting Proposition 8 or the purposes or rationality of that provision.
- On relevance grounds, any exhibits or testimony falling within any of the categories of information that the Court has already deemed irrelevant, not subject to discovery, or both. *See* Doc # 214; Doc # 252.
- On relevance grounds, exhibits or testimony constituting or relating to public documents relating to the intent or motivations of the electorate in adopting Proposition 8—aside from the language of the ballot measure and, if necessary to resolve textual ambiguity, the official ballot arguments—and including advertisements, campaign materials, and other communications and information relating to the adoption of Proposition 8.

Dated: December 7, 2009

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By: /s/Charles J. Cooper
Charles J. Cooper