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December 8, 2009

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T 36330-00001

The Honorable Vaughn R. Walker  
Chief Judge of the United States District Court  
for the Northern District of California  
450 Golden Gate Ave.  
San Francisco, California 94102

Re: *Perry v. Schwarzenegger*, Case No. C-09-2292 VRW

Dear Chief Judge Walker:

I write regarding Mr. Panuccio's letter of earlier today (Doc #297), in order to correct an apparent misunderstanding. Specifically, Plaintiffs' request to file an omnibus motion to compel is procedural in nature, and is based on the facts that 1) these disputes arose last week, and 2) the trial date is fast approaching. Doc #289. Mr. Panuccio's stated concern that Plaintiffs have "failed to comply with their meet-and-confer obligations" is wrong. Counsel have discussed Proponents' improper objections at length at deposition, to no avail. Our other communications with Proponents' counsel have not been fruitful, as calls have not been returned and written responses delayed. As reflected in my letter sent to Mr. Panuccio shortly after his letter to the Court, this dispute is ripe for resolution, and is not relitigation of decided issues. My December 3 & 8 letters are attached as Exhibits A and B, respectively.

Plaintiffs submit that, under the circumstances, an omnibus motion is the most efficient way to resolve these issues and have responsive testimony and documents for use at trial.

Respectfully submitted,

/s/ *Ethan D. Dettmer*  
Ethan D. Dettmer  
Counsel for Plaintiffs

cc: Counsel of Record