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 17 CITY AND COUNTY OF SAN FRANCISCO

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

20 KRISTIN M. PERRY, *et al.*,  
 21 Plaintiffs,  
 and  
 22 CITY AND COUNTY OF SAN FRANCISCO,  
 23 Plaintiff-Intervenor,

24 v.

25 ARNOLD SCHWARZENEGGER, *et al.*,  
 Defendants,

26 and  
 27 PROPOSITION 8 OFFICIAL PROPONENTS  
 DENNIS HOLLINGSWORTH, *et al.*,  
 28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**[PROPOSED] ORDER GRANTING  
 PLAINTIFFS' AND PLAINTIFF-  
 INTERVENOR'S MOTION *IN LIMINE* TO  
 EXCLUDE PORTIONS OF THE EXPERT  
 REPORT, OPINIONS, AND TESTIMONY  
 OF KENNETH P. MILLER**

**PLAINTIFFS' MIL NO. 2 OF 2**

Date: December 16, 2009 [Pre-Trial Conf.]  
 Time: 10:00 a.m.  
 Judge: Chief Judge Walker  
 Location: Courtroom 6, 17th Floor

Trial Date: January 11, 2010

1 Plaintiffs' and Plaintiff-Intervenor's motion *in limine* to exclude portions of the expert report,  
2 opinions, and testimony of Kenneth P. Miller ("Motion") came on for hearing before the above-entitled  
3 Court on December 16, 2009. After full consideration of all moving and opposing documents, the  
4 court's record and file in this matter, and the arguments of counsel, and good cause appearing, **IT IS**

5 **HEREBY ORDERED:**

- 6 (1) Plaintiffs' and Plaintiff-Intervenor's Motion is hereby GRANTED in its entirety;  
7 (2) Paragraphs 53-72 of Dr. Kenneth P. Miller's expert report are EXCLUDED from  
8 evidence;  
9 (3) Dr. Kenneth P. Miller is PROHIBITED from offering expert testimony or opinion on  
10 the subject matter expressed therein; and  
11 (4) Defendants, Defendant-Intervenors, and their counsel, are PROHIBITED from  
12 introducing or referring in any way to the excluded paragraphs of Dr. Kenneth P.  
13 Miller's report during trial.

14  
15 Date: \_\_\_\_\_

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16 UNITED STATES DISTRICT JUDGE  
17 CHIEF JUDGE VAUGHN R. WALKER  
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