

Exhibit D

Monagas, Enrique A.

From: Kaylan Phillips [kphillips@bopplaw.com]
Sent: Tuesday, October 27, 2009 9:11 AM
To: Dettmer, Ethan D.; Monagas, Enrique A.
Cc: JBoppjr@aol.com
Subject: RE: Perry v. Schwarzenegger, N.D. Cal. No. C 09-2292 VRW

Mr. Dettmer,

We've reviewed the subpoena. We do need more time to finalize our objections. However, so that we may begin to come to an agreement, we are providing an initial list of requirements below.

- 1) Jim is unavailable on November 9th as he will be arguing before the Eastern District of Louisiana on that day. We will seek our client's availability and provide alternative dates as soon as possible.
- 2) Regarding the deposition itself:
 - a. We do not agree to the deposition being videotaped;
 - b. Our client will not disclose his or her identity at any point.
- 3) Regarding any document production: all identifying information will be redacted prior to production.
- 4) Further, we will seek a protective order. We must have this order in place prior to the deposition. While we are still finalizing what will be included, at a minimum it will include:
 - a. All protections being afforded to the Proposition 8 committee;
 - b. Specific protections to preserve our client's anonymity;
 - c. An agreement that, if our client's identity is discovered, the parties will agree to keep the client anonymous (absent a court order to the contrary).

I look forward to working with you.

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