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7 Attorneys for PATRICK O'CONNELL, Clerk-Recorder of the County of Alameda

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10 KRISTIN M. PERRY, SANDRA B. STIER,  
 11 PAUL R. KATAMI, and JEFFREY J.  
 12 ZARRILLO,

13 Plaintiffs,

14 CITY AND COUNTY OF SAN FRANCISCO

15 Plaintiffs-Interveners,

16 v.

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

27 Defendants,  
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Case No.: CV 09 2292 VRW

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING  
 ATTENDANCE OF TRIAL BY  
 DEFENDANT PATRICK  
 O'CONNELL CLERK-RECORDER  
 OF THE COUNTY OF ALAMEDA**

Trial Date: January 11, 2010  
 Courtroom: No. 6, 17<sup>th</sup> Floor  
 United States District Chief Judge  
 Vaughn R. Walker

Action Filed: May 27, 2009

1 DENNIS HOLLINGSWORTH, GAIL J.  
2 KNIGHT, MARTIN F. GUTIERREZ,  
3 HAK-SHING WILLIAM TAM, MARK A.  
4 JANSSON and  
5 PROTECTMARRIAGE.COM – YES ON 8,  
6 A PROJECT OF CALIFORNIA RENEWAL,  
as official proponents of Proposition 8,  
  
Defendants-Interveners.

7 WHEREAS, Patrick O’Connell Clerk-Recorder of the County of Alameda  
8 (“Alameda County Clerk-Recorder”), has stated in his trial memorandum filed on  
9 December 4, 2009 (Document Nos. 277), that he takes no position on the merits of the  
10 case as to the validity of Proposition 8.

11 WHEREAS, in the same trial memorandum, Defendant Patrick O’Connell Clerk-  
12 Recorder of the County of Alameda further indicated that he does not intend on  
13 presenting any evidence or argument on the merits, but reserves the right to provide a  
14 defense as to any specific wrongdoing as to him.

15 NOW THEREFORE, the parties, through their respective counsel of record, do  
16 hereby stipulate and agree, and ask the Court to enter an order pursuant to Federal  
17 Rule of Civil Procedure 16 as follows:

18 1. The attendance at trial by counsel of record for Defendant  
19 Patrick O’Connell Clerk-Recorder of the County of Alameda will not be necessary, but  
20 Defendant Patrick O’Connell Clerk-Recorder of the County of Alameda’s counsel may  
21 attend the hearing, as budgetary restraints permit, for selected arguments.

22 2. Defendant Patrick O’Connell Clerk-Recorder of the County of Alameda will  
23 continue to be served in the normal practice throughout the proceedings.

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1 DATED: 1/7/10

COOPER AND KIRK, PLLC

2  
3 By: /s/ David H. Thompson  
David H. Thompson

4 Attorneys for Defendant-Intervenors  
5 PROPOSITION 8 OFFICIAL PROPONENTS;  
6 and PROTECTMARRIAGE.COM – YES ON 8,  
7 A PROJECT OF CALIFORNIA RENEWAL

8 DATED: 1/5/10

OFFICE OF THE ATTORNEY GENERAL

9 By: /s/ Tamar Pacher  
10 Tamar Pacher  
11 Deputy Attorney General

12 Attorneys for Defendant ATTORNEY  
13 GENERAL EDMUND G. BROWN, JR.

14 DATED: 1/5/10

MENNEMEIER, GLASSMAN & STROUD LLP

15 By: /s/ Andrew W. Stroud  
16 Andrew W. Stroud

17 Attorneys for Defendants ARNOLD  
18 SCHWARZNEGGER, MARK B. HORTON and  
19 LINETTE SCOTT (the “Administration  
20 Defendants”)

21 DATED: 1/5/10

RICHARD E. WINNIE, County Counsel in and  
for the County of Alameda, State of California

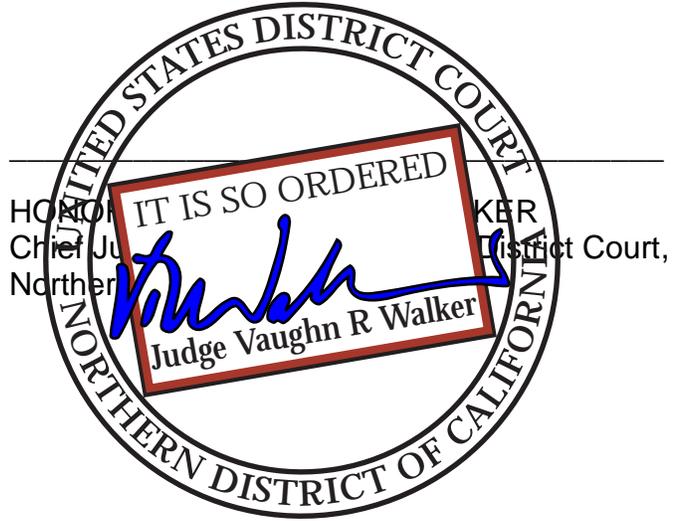
22 By: /s/ Claude F. Kolm  
23 Claude F. Kolm  
24 Deputy County Counsel

25 Attorneys for Defendant  
26 PATRICK O’CONNELL, Clerk-Recorder for the  
27 County of Alameda

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 13, 2010



HONORABLE VAUGHN R. WALKER  
Chief Judge  
Northern District Court,

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