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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
Statistics; LINETTE SCOTT, in her official
22 capacity as Deputy Director of Health
Information and Strategic Planning for the
23 California Department of Public Health;
PATRICK O'CONNELL in his official
24 capacity as Clerk-Recorder for the County
of Alameda; and DEAN C. LOGAN, in his
25 official capacity as Registrar-
Recorder/County Clerk for the County of
26 Los Angeles,

27 Defendants,
28

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, 17th 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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3. Defendant Patrick O'Connell Clerk-Recorder of the County of Alameda will be bound by the final judgment of the Court in this matter.

IT IS SO STIPULATED.

DATED: 1/5/10 OFFICE OF THE COUNTY COUNSEL

By: /s/ Judy W. Whitehurst
Judy W. Whitehurst
Principal Deputy County Counsel

Attorneys for DEAN C. LOGAN,
LOS ANGELES REGISTRAR-
REORDER/COUNTY CLERK

DATED: 1/5/10 GIBSON, DUNN & CRUTCHER LLP

By: /s/ Christopher D. Dusseault
Christopher D. Dusseault

Attorneys for Plaintiffs KRISTIN M.
PERRY, SANDRA B. STIER, PAUL T.
KATAMI, and FEFFREY J. ZARRILLO

DATED: 1/6/10 OFFICE OF THE CITY ATTORNEY

By: /s/ Terese M. Stewart
Terese M. Stewart
Chief Deputy City Attorney

Attorneys Plaintiff-Intervenor CITY AND
COUNTY OF SAN FRANCISCO

DATED: 1/7/10 LAW OFFICE OF TERRY L. THOMPSON

By: /s/ Terry L. Thompson
Terry L. Thompson

Attorney for Defendant-Intervener
HAK-SHING WILLIAM TAM

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 Pachter
10 Tamar Pachter
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
Defendants”)

20 DATED: 1/5/10

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

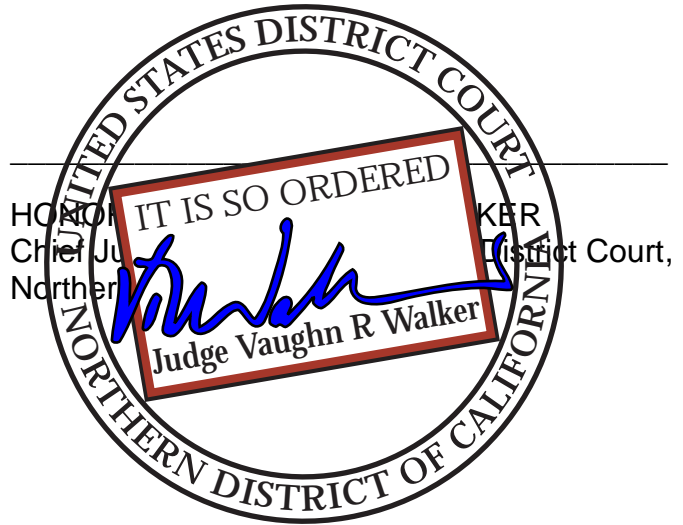
22 By: /s/ Claude F. Kolm
23 Claude F. Kolm
24 Deputy County Counsel

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



1 **ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

2 Pursuant to General Order No. 45 of the Northern District of California, I attest
3 that concurrence in the filing of the document has been obtained from each of the other
4 signatories to this document.

5
6 RICHARD E. WINNIE, County Counsel in and
7 for the County of Alameda, State of California

8 By: /s/ Manuel F. Martinez
9 Manuel F. Martinez
 Associate County Counsel

10 Attorneys for Defendant
11 PATRICK O'CONNELL, Clerk-Recorder for the
12 County of Alameda