

1 GIBSON, DUNN & CRUTCHER LLP
 Theodore B. Olson, SBN 38137
 2 *tolson@gibsondunn.com*
 Matthew D. McGill, *pro hac vice*
 3 Amir C. Tayrani, SBN 229609
 1050 Connecticut Avenue, N.W., Washington, D.C. 20036
 4 Telephone: (202) 955-8668, Facsimile: (202) 467-0539

5 Theodore J. Boutrous, Jr., SBN 132009
tboutrous@gibsondunn.com
 6 Christopher D. Dusseault, SBN 177557
 Ethan D. Dettmer, SBN 196046
 7 Sarah E. Piepmeier, SBN 227094
 Theane Evangelis Kapur, SBN 243570
 8 Enrique A. Monagas, SBN 239087
 333 S. Grand Avenue, Los Angeles, California 90071
 9 Telephone: (213) 229-7804, Facsimile: (213) 229-7520

10 BOIES, SCHILLER & FLEXNER LLP
 David Boies, *pro hac vice*
 11 *dboies@bsflp.com*
 333 Main Street, Armonk, New York 10504
 12 Telephone: (914) 749-8200, Facsimile: (914) 749-8300

13 Jeremy M. Goldman, SBN 218888
jgoldman@bsflp.com
 14 Theodore H. Uno, SBN 248603
 1999 Harrison Street, Suite 900, Oakland, California 94612
 15 Telephone: (510) 874-1000, Facsimile: (510) 874-1460

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

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

20 KRISTIN M. PERRY, *et al.*,
 21 Plaintiffs,
 22 and
 CITY AND COUNTY OF SAN FRANCISCO,
 23 Plaintiff-Intervenor,
 24 v.
 ARNOLD SCHWARZENEGGER, *et al.*,
 25 Defendants,
 26 and
 PROPOSITION 8 OFFICIAL PROPONENTS
 27 DENNIS HOLLINGSWORTH, *et al.*,
 28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**DECLARATION OF REBECCA JUSTICE
 LAZARUS IN SUPPORT OF RESPONSE TO
 PROPONENTS' OBJECTIONS TO
 DISCOVERY ORDERS OF MAGISTRATE
 JUDGE SPERO**

Trial Date: January 11, 2010
 Judge: Chief Judge Walker
 Location: Courtroom 6, 17th Floor

1 I, Rebecca Justice Lazarus, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and in the Northern
3 District of California. I am an associate in the law firm of Gibson, Dunn & Crutcher LLP, counsel of
4 record for Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J.
5 Zarrillo(collectively, "Plaintiffs") in the above-captioned matter. I have personal knowledge of the
6 facts stated herein and could and would testify competently thereto if called upon to do so.

7 2. Attached hereto is a true and correct copy of relevant excerpts from the certified
8 transcript of the deposition of Ronald Prentice, taken on December 17, 2009.

9 I declare, under the penalty of perjury under the laws of the United States that these facts are
10 true and correct and that this Declaration is executed this 15th day of January 2009 at San Francisco,
11 California.

12 /s/

13 _____
Rebecca Justice Lazarus

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

KRISTIN M. PERRY, et al.,

Plaintiffs,

vs.

Case No. 09-CV-2292 VRW

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

_____ /

Deposition of

RONALD PRENTICE

Volume I

Thursday, December 17, 2009

REPORTED BY: LESLIE CASTRO, CSR #8876

BONNIE L. WAGNER & ASSOCIATES
Court Reporting Services
41 Sutter Street, Suite 1605
San Francisco, California 94104
(415) 982-4849

Page 50				Page 52			
10:01:57	1	compensation; is that correct?	10:05:23	1	A. It was created by an ad hoc executive		
10:01:58	2	A. Correct. I believe that I operate as its	10:05:26	2	committee.		
10:02:02	3	executive director without compensation.	10:05:27	3	Q. And earlier you said something about		
10:02:06	4	Q. And what are your responsibilities as	10:05:32	4	California Renewal being the sponsoring -- I can't		
10:02:14	5	executive director for California Renewal?	10:05:37	5	remember the language you used -- but member or		
10:02:19	6	A. Prior to -- there has been no activity by	10:05:39	6	sponsoring -- in some way sponsoring. And I was unclear		
10:02:27	7	California Renewal leading up to the	10:05:48	7	whether you were saying they sponsored the formation of		
10:02:36	8	ProtectMarriage.com-Yes on 8 campaign.	10:05:52	8	ProtectMarriage.com or something else.		
10:02:41	9	Q. I'm not sure I understand what you just said	10:05:55	9	Can you explain?		
10:02:43	10	so let me try to ask. You say there's been no activity	10:05:57	10	A. Well, I'm not sure that I can explain it much		
10:02:49	11	by California Renewal leading up to the Yes on 8	10:05:59	11	better than I have because of my lack of legal		
10:02:55	12	campaign. I'm trying to understand the connection	10:06:02	12	intellect. And it would have to do with that there is a		
10:03:00	13	between California Renewal and ProtectMarriage.	10:06:13	13	board of directors, too.		
10:03:04	14	Is there one?	10:06:18	14	California Renewal who gave authority to an ad		
10:03:06	15	A. When you say "ProtectMarriage," are you	10:06:24	15	hoc executive committee to move forward with a		
10:03:08	16	referring to the ProtectMarriage.com-Yes on 8 campaign?	10:06:28	16	primarily-formed ballot measure called		
10:03:13	17	Q. Yes.	10:06:34	17	ProtectMarriage.com-Yes on 8.		
10:03:14	18	A. The sponsoring entity was the (c)(4)	10:06:40	18	Q. I would say that's not an intellect issue, I		
10:03:17	19	California Renewal.	10:06:45	19	think it was very clear.		
10:03:19	20	Q. The sponsoring entity of the initiative	10:06:46	20	A. Thank-you. Let's just hope it's accurate.		
10:03:24	21	measure?	10:06:50	21	MS. MOSS: Can we take a bathroom break?		
10:03:24	22	A. Yes, of ProtectMarriage.com-Yes on 8 campaign	10:06:54	22	THE VIDEOGRAPHER: Off record at 10:08.		
10:03:30	23	committee.	10:09:30	23	(Brief break.)		
10:03:40	24	Q. So just to be clear: California Renewal was	10:09:30	24	(Ms. Piepmeier is not present.)		
10:03:43	25	the sponsor of --	10:14:51	25	THE VIDEOGRAPHER: Back on the record at 10:14.		
Page 51				Page 53			
10:03:44	1	(Mr. Pugno enters the room.)	10:15:01	1	MS. STEWART: Q Mr. Prentice, when you were		
10:03:47	2	MS. STEWART: Q -- the entity, the Yes on 8	10:15:03	2	employed by Focus on the Family, what was the		
10:03:51	3	ProtectMarriage entity or are you saying it was the	10:15:06	3	approximate annual budget of that organization?		
10:03:54	4	sponsor of the initiative itself, the ballot measure.	10:15:11	4	A. Approximately -- well, it varied within those		
10:03:59	5	A. To the best of my knowledge, the way that I	10:15:13	5	ten years. Anywhere from 125 million to 145 million.		
10:04:01	6	would frame it would be that the initiative was put	10:15:35	6	Q. Earlier you mentioned that the board of		
10:04:20	7	forth by the campaign committee called	10:15:36	7	directors of California Renewal gave authority to an ad		
10:04:24	8	ProtectMarriage.com-Yes on 8.	10:15:39	8	hoc committee to move forward to create		
10:04:32	9	Q. Okay.	10:15:42	9	ProtectMarriage.com or what became ProtectMarriage.com.		
10:04:32	10	So ProtectMarriage.com-Yes on 8 actually was	10:15:49	10	A. Became the ballot measure committee.		
10:04:36	11	the official proponent or an official proponent of	10:15:56	11	Q. What did -- well, first of all, who was on the		
10:04:41	12	Proposition 8; is that correct?	10:16:01	12	ad hoc committee?		
10:04:44	13	MS. MOSS: Object to the extent it calls for a	10:16:04	13	A. Of?		
10:04:46	14	legal conclusion.	10:16:05	14	Q. You said the board of directors of California		
10:04:48	15	MS. STEWART: I'm asking for his understanding	10:16:08	15	Renewal gave authority to an ad hoc committee. And I		
10:04:49	16	counsel.	10:16:11	16	was wondering who was on that committee.		
10:04:52	17	THE WITNESS: I believe that there was a campaign	10:16:15	17	MS. MOSS: And in responding to that, I'm going to		
10:04:56	18	committee formed and there were individual proponents.	10:16:17	18	instruct you to the extent that there's a member of that		
10:05:01	19	MS. STEWART: Q But just from a lay person's	10:16:20	19	committee who has asked us to keep his identity		
10:05:03	20	understanding, how was ProtectMarriage.com, the entity,	10:16:23	20	confidential while he pursues his claim of privilege, I		
10:05:07	21	involved in that process?	10:16:27	21	would instruct you not to reveal that identity.		
10:05:13	22	A. ProtectMarriage.com-Yes on 8, to the best of	10:16:29	22	Otherwise, you can respond.		
10:05:15	23	my understanding, is primarily formed ballot measure	10:16:30	23	MS. STEWART: Q And are you going to follow your		
10:05:18	24	committee.	10:16:32	24	counsel's instruction?		
10:05:19	25	Q. And who formed that ballot measure committee?	10:16:35	25	A. Yes.		

Page 58				Page 60			
10:23:19	1	A. I would say that ProtectMarriage.com was	10:27:24	1	a generally directed purpose, not an entity.		
10:23:24	2	used -- I would say "yes," and definitely say a	10:27:33	2	Q. Was it a coalition?		
10:23:40	3	broad-based coalition -- loose -- loosely.	10:27:39	3	A. Only to the extent that people aligned with a		
10:23:46	4	Q. And when you say "loosely," what do you mean?	10:27:42	4	generally directed purpose.		
10:23:49	5	A. It's a loosely-formed coalition.	10:27:46	5	Q. Do you recall who was part of that coalition		
10:23:52	6	Q. And who -- what were the organizations that	10:27:55	6	prior to the 2008?		
10:24:00	7	were part of that loosely-based coalition?	10:27:57	7	A. Prior to the forming of the ballot measure		
10:24:04	8	MS. MOSS: I'm going to object to the extent	10:27:58	8	committee, as it reads here, it's a broad-based		
10:24:06	9	that -- two grounds: One, I still don't think it's	10:28:06	9	coalition of organizations, churches and individuals,		
10:24:13	10	clear exactly which --	10:28:08	10	and so there was no list. There was no -- there was no		
10:24:13	11	THE WITNESS: I agree.	10:28:16	11	entity.		
10:24:14	12	MS. MOSS: -- entity, ProtectMarriage.com entity	10:28:17	12	Q. Was there a website?		
10:24:15	13	that you're referring to. But secondly, to the extent	10:28:20	13	A. Apparently, this came off of a website and		
10:24:18	14	you understand or believe -- understand what entity	10:28:24	14	it's copyright '05.		
10:24:23	15	she's referring to, if it's the Yes on 8 committee, if	10:28:26	15	Q. And did you have anything to do with that		
10:24:28	16	they were affiliated with organizations and that's	10:28:28	16	website prior to 2008?		
10:24:31	17	publicly known, you can disclose that. If there was any	10:28:37	17	A. I did not have anything to do with the		
10:24:35	18	private affiliations that are not publicly known, I	10:28:39	18	creation of the website, no.		
10:24:39	19	instruct you not to answer.	10:28:42	19	Q. Do you know who did?		
10:24:40	20	THE WITNESS: And I interpret your question to	10:28:48	20	A. There has been a -- a changing relatively		
10:24:42	21	refer to the Yes on 8 campaign. And there were people	10:28:57	21	fluid group of individuals who attempted to keep the		
10:24:46	22	that would go on to the website and sign on endorsing	10:29:07	22	public informed of what was going on legally with		
10:24:50	23	it. And that's how loose and how broad-based we	10:29:12	23	marriage.		
10:24:55	24	interpreted the coalition to be.	10:29:15	24	Q. But do you know who created the		
10:24:58	25	MS. STEWART: Q And so when the website here	10:29:22	25	ProtectMarriage.com website that existed before 2008?		
Page 59				Page 61			
10:25:07	1	refers to a broad-based coalition of organizations,	10:29:31	1	A. I go not know who is responsible for its		
10:25:09	2	churches and individuals, was that coalition formed	10:29:33	2	creation.		
10:25:18	3	solely by people signing on to the website?	10:29:34	3	Q. Was it someone who worked for the California		
10:25:21	4	A. Well, actually, as I see at the bottom of	10:29:36	4	Family Council?		
10:25:24	5	this, it says "2005." So this may be -- if it's 2005,	10:29:37	5	A. No.		
10:25:31	6	it obviously came before the formation of the ballot	10:29:37	6	Q. And I believe you said that California Renewal		
10:25:36	7	measure committee.	10:29:42	7	had no employees; correct?		
10:25:41	8	And I don't know even then whether -- well,	10:29:43	8	A. Correct.		
10:25:43	9	there's a page on the left it says "Endorsement" so I	10:29:46	9	Q. So you have no idea, as you sit here, who was		
10:25:47	10	guess there was opportunity for people to align with	10:29:49	10	responsible for creating the ProtectMarriage.com website		
10:25:51	11	this general cause.	10:29:53	11	before 2008?		
10:25:53	12	Q. So let me go back to 2005 then.	10:29:54	12	A. Well, I have some idea in that I've referred		
10:25:56	13	And ask you: Was -- was there an entity to	10:29:58	13	to a fluid committee of people. But I do not -- I do		
10:26:03	14	your knowledge called ProtectMarriage.com in 2005?	10:30:03	14	not know precisely who pulled this trigger.		
10:26:10	15	A. No, not an entity. There have been times	10:30:08	15	Q. If you look at the bottom of Exhibit 1,		
10:26:20	16	over -- there have been -- ProtectMarriage.com has been	10:30:10	16	there's a copyright designation it says "Copyright 2005		
10:26:26	17	more a general -- general purpose of -- for the benefit	10:30:16	17	ProtectMarriage.com."		
10:26:38	18	of traditional marriage. And there have been -- and	10:30:17	18	Do you see that?		
10:26:45	19	prior to the Yes on 8 campaign, there was not an	10:30:18	19	A. Yes.		
10:26:51	20	official entity.	10:30:18	20	Q. And then it also says "After all rights		
10:26:54	21	Q. Was there something other than an official	10:30:23	21	reserved," it says "ProtectMarriage.com, a project of		
10:26:58	22	entity that you understood ProtectMarriage.com to refer	10:30:29	22	California Renewal."		
10:27:04	23	to before -- let's say before 2008?	10:30:29	23	Do you see that?		
10:27:12	24	A. I think that I understood ProtectMarriage.com	10:30:30	24	A. Yes.		
10:27:17	25	prior to the ballot measure committee to be, again, a --	10:30:31	25	Q. Was there a project of California Renewal in		

Page 270

1 DEPOSITION OFFICER'S CERTIFICATE
2
3 STATE OF CALIFORNIA)
4) Ss.
5 COUNTY OF CONTRA COSTA)
6
7 I LESLIE CASTRO, CSR, hereby certify:
8 I am a duly qualified Shorthand Reporter in
9 the State of California, holder of Certificate Number
10 8876 issued by the Court Reporter's Board of California
11 and which is in full force and effect. (Fed R. Civ. P.
12 28(a)).
13 I am authorized to administer oaths of
14 affirmations pursuant to California Code of Civil
15 Procedure, Section 2093(b), and prior to being examined,
16 the deponent was first duly sworn by me. (Fed. R. Civ.
17 P. 28(a), 30(f) (1)).
18 I am not a relative or employee or attorney or
19 counsel of any of the parties, nor am I a relative or
20 employee of such attorney or counsel, nor am I
21 financially interested in this action. (Fed. R. Civ. P.
22 28).
23 I am the deposition officer that
24 stenographically recorded the testimony in the foregoing
25 deposition and the foregoing transcript is a true record

Page 271

1 of the testimony given by the deponent. (Fed. R. Civ.
2 P. 30(f) (1)).
3 Before completion of the deposition, review of
4 the transcript [] was [X] was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed, are
7 appended hereto. (Fed. R. Civ. P. 30(a)).
8
9
10
11
12 Dated: 28th of December, 2009.
13
14
15
16 _____
17 LESLIE CASTRO, CSR
18 State of California
19 CSR License No. 8876
20
21
22
23
24
25

Page 272

1 ERRATA SHEET
2
3 PAGE LINE CHANGE
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 I, RONALD PRENTICE, have made the following changes
22 to my deposition taken in the matter of PERRY, ET AL.
23 vs. SCHWARZENEGGER, ET AL. taken on DECEMBER 17, 2009.
24 DATE: _____
25 RONALD PRENTICE

Page 273

1 CERTIFICATION OF WITNESS
2
3
4 I, RONALD PRENTICE, hereby declare that I have read
5 the foregoing testimony, and the same is true and a
6 correct transcription of my said testimony except as I
7 have corrected.
8
9
10
11 _____
12 Signature
13
14
15 _____
16 Date
17
18
19
20
21
22
23
24
25

Page 274

BONNIE L. WAGNER & ASSOCIATES
COURT REPORTING SERVICE
41 SUTTER STREET, SUITE 1605
SAN FRANCISCO, CALIFORNIA 94104
(415) 982-4849

January 4, 2010
Ronald Prentice
c/o Nicole J. Moss, Esq.
Cooper & Kirk
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Re: Perry, et al. vs.
Schwarzenegger, et al.

Dear Mr. Prentice:
You are hereby notified that pursuant to the California
Code of Civil Procedure Section 2019(E), your deposition
is available for your review within 35 days from the
date of this letter.

If you are represented by an attorney in this matter
contact your attorney before contacting this office.
Do not ask that we send you the original deposition.
State law does not allow us to do so.

Yours very truly,

Leslie Castro, CSR
Bonnie L. Wagner & Associates

CC: Original Transcript
All Counsel