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 16 PROTECTMARRIAGE.COM – YES ON 8, A PROJECT OF CALIFORNIA RENEWAL

17 * Admitted *pro hac vice*

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

20 KRISTIN M. PERRY, SANDRA B. STIER, PAUL
 T. KATAMI, and JEFFREY J. ZARRILLO,

21 Plaintiffs,

22 CITY AND COUNTY OF SAN FRANCISCO,

23 Plaintiff-Intervenor,

24 v.

25
 26 ARNOLD SCHWARZENEGGER, in his official
 capacity as Governor of California; EDMUND G.
 27 BROWN, JR., in his official capacity as Attorney
 General of California; MARK B. HORTON, in his
 28 official capacity as Director of the California

CASE NO. 09-CV-2292 VRW

**DECLARATION OF NICOLE JO
 MOSS IN SUPPORT OF
 DEFENDANT-INTERVENORS
 PROPOSITION 8 PROPONENTS
 AND PROTECTMARRIAGE.COM’S
 OPPOSITION TO PLAINTIFFS’
 MOTION FOR LEAVE TO REOPEN
 THE DEPOSITION OF RONALD
 PRENTICE**

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

1 Department of Public Health and State Registrar of
2 Vital Statistics; LINETTE SCOTT, in her official
3 capacity as Deputy Director of Health Information
4 & Strategic Planning for the California Department
5 of Public Health; PATRICK O'CONNELL, in his
6 official capacity as Clerk-Recorder for the County
7 of Alameda; and DEAN C. LOGAN, in his official
8 capacity as Registrar-Recorder/County Clerk for
9 the County of Los Angeles,

10 Defendants,

11 and

12 PROPOSITION 8 OFFICIAL PROPONENTS
13 DENNIS HOLLINGSWORTH, GAIL J.
14 KNIGHT, MARTIN F. GUTIERREZ, HAK-
15 SHING WILLIAM TAM, and MARK A.
16 JANSSON; and PROTECTMARRIAGE.COM –
17 YES ON 8, A PROJECT OF CALIFORNIA
18 RENEWAL,

19 Defendant-Intervenors.

20 Additional Counsel for Defendant-Intervenors

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* Admitted *pro hac vice*

1 I, Nicole Jo Moss, declare as follows in support of Defendant-Intervenors' ("the Proponents")
2 Opposition to Plaintiffs' Motion to Reopen the Deposition of Ronald Prentice:

3 1. I am counsel for the Proponents in the above-captioned matter. The information stated in
4 this declaration is based on my personal knowledge and if called as a witness, I could and would
5 testify competently thereto.

6 2. Attached as Exhibit A to this declaration are copies of the portions of Mr. Prentice's
7 deposition transcripts where he discussed the nature of the ProtectMarriage.com coalition.

8 3. Attached as Exhibit B to this declaration are copies of the portions of Mr. Prentice's
9 deposition transcripts where he was questioned about the Church of Jesus Christ of Latter-Day Saints.

10 4. Attached as Exhibit C to this declaration are copies of the portions of Mr. Prentice's
11 deposition transcripts where he discussed Pastor James Garlow's grassroots campaign.

12 5. Attached as Exhibit D to this declaration are copies of the portions of Mr. Prentice's
13 deposition transcripts where he discussed ProtectMarriage.com's involvement, or lack thereof, in
14 developing and supervising content for the iProtectMarriage.com website.

15
16 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
17 was executed in San Francisco, California on January 20, 2010.

18
19 By: /s/ Nicole Jo Moss
20 Nicole Jo Moss
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28

EXHIBIT A

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 54		Page 56	
10:16:35	1 MS. STEWART: Just before you respond, I want to	10:19:38	1 (Whereupon, Exhibit No. 1 was
10:16:37	2 see if we can make a stipulation for the record going	10:19:54	2 Marked for identification.)
10:16:40	3 forward that I don't have to repeatedly ask the witness	10:20:06	3 MS. STEWART: Q A document that at the top says
10:16:45	4 if he is going to follow your instruction.	10:20:08	4 "Protect Marriage." And I'm going to ask you to take a
10:16:48	5 MS. MOSS: That is fine.	10:20:15	5 look at it and tell me if you recognize it.
10:16:49	6 MS. STEWART: I'm going to pretty much assume it	10:20:37	6 (Pause in the proceedings.)
10:16:51	7 unless there's something in the way he answers it	10:20:38	7 THE WITNESS: I would say I can only go so far as
10:16:52	8 that --	10:20:42	8 to say I'm familiar with its general content. I don't
10:16:54	9 MS. MOSS: Sure.	10:20:45	9 know if it's in any way been altered, but yes.
10:16:55	10 MS. STEWART: -- that assumes otherwise.	10:20:48	10 MS. STEWART: Q And on the left, it has, sort of,
10:16:58	11 Q. So going back to the question with your	10:20:52	11 a gray box that says "ProtectMarriage.com" and has some
10:17:03	12 counsel's instruction, who was on the ad hoc committee	10:20:57	12 little people.
10:17:04	13 that the board of directors of California Renewal gave	10:20:59	13 Do you see that?
10:17:07	14 authority to form a ballot committee?	10:20:59	14 A. Yes.
10:17:11	15 A. There was myself. There was Ned Dolejsi.	10:21:00	15 Q. Is that the logo of ProtectMarriage.com or a
10:17:13	16 There was Mark Jansson. And there's the anonymous	10:21:07	16 logo?
10:17:18	17 person.	10:21:08	17 (Ms. Piepmeier enters the room.)
10:17:19	18 Q. What was the last name?	10:21:16	18 THE WITNESS: I wouldn't say that it's a formal
10:17:20	19 A. I said anonymous.	10:21:19	19 logo, no.
10:17:23	20 Q. Yourself, Ned Dolejsi, Mr. Jansson?	10:21:21	20 MS. STEWART: Q Has ProtectMarriage.com --
10:17:27	21 A. Yes.	10:21:26	21 A. Thank-you.
10:17:29	22 Q. And then an anonymous person?	10:21:26	22 Q. -- does it have a logo that it has adopted?
10:17:33	23 A. A person who chooses to remain confidential.	10:21:39	23 A. There was a logo that was used during the
10:17:40	24 Q. Did you form an entity that is -- did that ad	10:21:42	24 campaign. So when you refer to ProtectMarriage.com, it
10:17:46	25 hoc committee then form an entity?	10:21:48	25 does not have a formal logo.
Page 55		Page 57	
10:17:48	1 A. Yes.	10:21:52	1 Q. Was there a logo that it used on its website?
10:17:48	2 Q. And what is that entity?	10:22:04	2 MS. MOSS: Just by point of clarification,
10:17:51	3 A. The primarily formed ballot measure committee	10:22:05	3 objection. When you're referring to
10:17:55	4 of ProtectMarriage.com--Yes on 8.	10:22:09	4 ProtectMarriage.com, are you referring to -- I guess
10:17:58	5 Q. And what is the form of that entity, if you	10:22:12	5 what specifically are you referring to? Is it a
10:18:01	6 know?	10:22:16	6 shorthand for Yes on 8 or --
10:18:02	7 A. When you say "form" --	10:22:19	7 MS. STEWART: You're getting to my other line of
10:18:04	8 Q. I mean the legal organization.	10:22:21	8 questioning, which I diverted from. So let me go back
10:18:06	9 A. Again, I would -- the best I can do is a	10:22:24	9 to that and then we'll go back to the logo.
10:18:09	10 ballot measure committee.	10:22:27	10 As I mentioned earlier, sometimes it's not a linear
10:18:19	11 Q. Is -- what is the title of that ballot measure	10:22:31	11 process, this deposition business.
10:18:28	12 committee?	10:22:33	12 Q. Do you see the first paragraph of this
10:18:31	13 A. ProtectMarriage.com--Yes on 8.	10:22:35	13 document where it says "ProtectMarriage.com is a growing
10:18:33	14 Q. Is ProtectMarriage.com used in any sense	10:22:38	14 broad-based coalition of organizations, churches and
10:18:39	15 that's broader than that ballot measure committee?	10:22:42	15 individuals who believe that marriage's foremost purpose
10:18:47	16 A. As you know, there are now -- there is now a	10:22:47	16 is raising of healthy children in a family with a mom
10:18:56	17 (c)(3) and (c)(4), ProtectMarriage.com Education	10:22:50	17 and a dad"?
10:19:01	18 Foundation and ProtectMarriage.com Action Fund.	10:22:51	18 A. Yes.
10:19:04	19 Q. Do you sometimes use ProtectMarriage.com to	10:22:52	19 Q. Is that language that was on
10:19:06	20 describe a coalition of entities?	10:22:54	20 ProtectMarriage.com's website at some point in time?
10:19:16	21 A. I think that there are a number of entities	10:23:00	21 A. Apparently, this was printed off of its
10:19:19	22 that would say that they align with the general purposes	10:23:02	22 website, and so I would imagine so.
10:19:32	23 of ProtectMarriage.com.	10:23:05	23 Q. And is it accurate that the title
10:19:36	24 MS. STEWART: I'm going to have marked as	10:23:08	24 "ProtectMarriage.com" was used to refer to a broad-based
10:19:38	25 Exhibit 1.	10:23:13	25 coalition of organizations and people?

Page 58

10:23:19 1 A. I would say that ProtectMarriage.com was
 10:23:24 2 used -- I would say "yes," and definitely say a
 10:23:40 3 broad-based coalition -- loose -- loosely.
 10:23:46 4 **Q. And when you say "loosely," what do you mean?**
 10:23:49 5 A. It's a loosely-formed coalition.
 10:23:52 6 **Q. And who -- what were the organizations that**
 10:24:00 7 **were part of that loosely-based coalition?**
 10:24:04 8 MS. MOSS: I'm going to object to the extent
 10:24:06 9 that -- two grounds: One, I still don't think it's
 10:24:13 10 clear exactly which --
 10:24:13 11 THE WITNESS: I agree.
 10:24:14 12 MS. MOSS: -- entity, ProtectMarriage.com entity
 10:24:15 13 that you're referring to. But secondly, to the extent
 10:24:18 14 you understand or believe -- understand what entity
 10:24:23 15 she's referring to, if it's the Yes on 8 committee, if
 10:24:28 16 they were affiliated with organizations and that's
 10:24:31 17 publicly known, you can disclose that. If there was any
 10:24:35 18 private affiliations that are not publicly known, I
 10:24:39 19 instruct you not to answer.
 10:24:40 20 THE WITNESS: And I interpret your question to
 10:24:42 21 refer to the Yes on 8 campaign. And there were people
 10:24:46 22 that would go on to the website and sign on endorsing
 10:24:50 23 it. And that's how loose and how broad-based we
 10:24:55 24 interpreted the coalition to be.
 10:24:58 25 MS. STEWART: Q And so when the website here

Page 59

10:25:07 1 refers to a broad-based coalition of organizations,
 10:25:09 2 churches and individuals, was that coalition formed
 10:25:18 3 solely by people signing on to the website?
 10:25:21 4 A. Well, actually, as I see at the bottom of
 10:25:24 5 this, it says "2005." So this may be -- if it's 2005,
 10:25:31 6 it obviously came before the formation of the ballot
 10:25:36 7 measure committee.
 10:25:41 8 And I don't know even then whether -- well,
 10:25:43 9 there's a page on the left it says "Endorsement" so I
 10:25:47 10 guess there was opportunity for people to align with
 10:25:51 11 this general cause.
 10:25:53 12 **Q. So let me go back to 2005 then.**
 10:25:56 13 **And ask you: Was -- was there an entity to**
 10:26:03 14 **your knowledge called ProtectMarriage.com in 2005?**
 10:26:10 15 A. No, not an entity. There have been times
 10:26:20 16 over -- there have been -- ProtectMarriage.com has been
 10:26:26 17 more a general -- general purpose of -- for the benefit
 10:26:38 18 of traditional marriage. And there have been -- and
 10:26:45 19 prior to the Yes on 8 campaign, there was not an
 10:26:51 20 official entity.
 10:26:54 21 **Q. Was there something other than an official**
 10:26:58 22 **entity that you understood ProtectMarriage.com to refer**
 10:27:04 23 **to before -- let's say before 2008?**
 10:27:12 24 A. I think that I understood ProtectMarriage.com
 10:27:17 25 prior to the ballot measure committee to be, again, a --

Page 60

10:27:24 1 a generally directed purpose, not an entity.
 10:27:33 2 **Q. Was it a coalition?**
 10:27:39 3 A. Only to the extent that people aligned with a
 10:27:42 4 generally directed purpose.
 10:27:46 5 **Q. Do you recall who was part of that coalition**
 10:27:55 6 **prior to the 2008?**
 10:27:57 7 A. Prior to the forming of the ballot measure
 10:27:58 8 committee, as it reads here, it's a broad-based
 10:28:06 9 coalition of organizations, churches and individuals,
 10:28:08 10 and so there was no list. There was no -- there was no
 10:28:16 11 entity.
 10:28:17 12 **Q. Was there a website?**
 10:28:20 13 A. Apparently, this came off of a website and
 10:28:24 14 it's copyright '05.
 10:28:26 15 **Q. And did you have anything to do with that**
 10:28:28 16 **website prior to 2008?**
 10:28:37 17 A. I did not have anything to do with the
 10:28:39 18 creation of the website, no.
 10:28:42 19 **Q. Do you know who did?**
 10:28:48 20 A. There has been a -- a changing relatively
 10:28:57 21 fluid group of individuals who attempted to keep the
 10:29:07 22 public informed of what was going on legally with
 10:29:12 23 marriage.
 10:29:15 24 **Q. But do you know who created the**
 10:29:22 25 **ProtectMarriage.com website that existed before 2008?**

Page 61

10:29:31 1 A. I go not know who is responsible for its
 10:29:33 2 creation.
 10:29:34 3 **Q. Was it someone who worked for the California**
 10:29:36 4 **Family Council?**
 10:29:37 5 A. No.
 10:29:37 6 **Q. And I believe you said that California Renewal**
 10:29:42 7 **had no employees; correct?**
 10:29:43 8 A. Correct.
 10:29:46 9 **Q. So you have no idea, as you sit here, who was**
 10:29:49 10 **responsible for creating the ProtectMarriage.com website**
 10:29:53 11 **before 2008?**
 10:29:54 12 A. Well, I have some idea in that I've referred
 10:29:58 13 to a fluid committee of people. But I do not -- I do
 10:30:03 14 not know precisely who pulled this trigger.
 10:30:08 15 **Q. If you look at the bottom of Exhibit 1,**
 10:30:10 16 **there's a copyright designation it says "Copyright 2005**
 10:30:16 17 **ProtectMarriage.com."**
 10:30:17 18 **Do you see that?**
 10:30:18 19 A. Yes.
 10:30:18 20 **Q. And then it also says "After all rights**
 10:30:23 21 **reserved," it says "ProtectMarriage.com, a project of**
 10:30:29 22 **California Renewal."**
 10:30:29 23 **Do you see that?**
 10:30:30 24 A. Yes.
 10:30:31 25 **Q. Was there a project of California Renewal in**

Page 62

10:30:36 1 **2005 that was called ProtectMarriage.com?**

10:30:44 2 A. There was a -- I believe that would have been

10:30:49 3 an earlier iteration of a ballot measure committee.

10:30:56 4 **Q. So there was an earlier ballot measure**

10:30:59 5 **committee formed by or with the authority of the board**

10:31:04 6 **of California Renewal?**

10:31:05 7 A. With the approval, yes.

10:31:08 8 **Q. And were you on that ballot measure committee**

10:31:11 9 **as well?**

10:31:12 10 A. No.

10:31:13 11 **Q. Do you know who was?**

10:31:19 12 MS. MOSS: Again, I'm going to instruct you not to

10:31:20 13 answer -- well, you can answer to the extent whoever the

10:31:23 14 membership was public, whoever the volunteers were that

10:31:27 15 were public.

10:31:28 16 THE WITNESS: I don't know whether they were public

10:31:29 17 or not.

10:31:33 18 MS. MOSS: If you'd like, we can confer and see if

10:31:36 19 we know if they were public or not to give you an

10:31:38 20 answer.

10:31:41 21 MS. STEWART: Sure.

10:31:43 22 THE VIDEOGRAPHER: Off record. 10:31.

10:31:44 23 (Brief break.)

10:36:10 24 THE VIDEOGRAPHER: Back on the record. 10:35.

10:36:15 25 MS. STEWART: Q So Mr. Prentice, were you able to

Page 63

10:36:18 1 determine whether any of the members of the committee

10:36:22 2 that formed the ProtectMarriage.com ballot measure

10:36:29 3 committee in 2005 are public?

10:36:33 4 A. There was one member who was public as the

10:36:36 5 chairman.

10:36:37 6 **Q. And who was that?**

10:36:38 7 A. And that was Peter Henderson.

10:36:41 8 **Q. And again, you were not a member of that**

10:36:43 9 **committee; is that correct?**

10:36:45 10 A. Correct.

10:36:46 11 **Q. Were you at the time that committee was formed**

10:36:51 12 **the executive director of California Renewal?**

10:36:56 13 A. Yes.

10:36:58 14 **Q. And that ProtectMarriage.com ballot measure**

10:37:03 15 **committee was a project of California Renewal; correct?**

10:37:08 16 A. Yes.

10:37:09 17 **Q. And you said I think earlier that it was a --**

10:37:17 18 **that the name "ProtectMarriage.com" was used also**

10:37:24 19 **besides the official ballot committee to describe a**

10:37:27 20 **coalition of groups and people; correct?**

10:37:31 21 A. Yes.

10:37:32 22 **Q. And --**

10:37:35 23 A. I'm sorry, did you say official group?

10:37:38 24 **Q. No, I just said a group. A coalition is what**

10:37:43 25 **I said.**

Page 64

10:37:44 1 A. Okay.

10:37:44 2 **Q. And that's what this document suggests at the**

10:37:46 3 **top of it; do you see that --**

10:37:48 4 A. Yes.

10:37:48 5 **Q. -- ProtectMarriage.com is a growing --**

10:37:51 6 A. Yes.

10:37:51 7 **Q. -- broad-based coalition of organizations,**

10:37:54 8 **churches, et cetera.**

10:37:58 9 MS. STEWART: I'm going to ask you to take a look a

10:38:00 10 at an exhibit that would be marked 2.

10:38:02 11 (Whereupon, Exhibit No. 2 was

10:38:15 12 Marked for identification.)

10:38:18 13 MS. STEWART: Q And ask you if you recognize this

10:38:24 14 document.

10:38:33 15 A. Yes.

10:38:34 16 **Q. And can you tell me what it is.**

10:38:36 17 A. This came from the earlier ballot measure

10:38:44 18 committee of '05. And on that -- on that website then,

10:38:57 19 it did -- it did list endorsements.

10:39:03 20 **Q. And is this list -- I think you said earlier**

10:39:09 21 **that the broad coalition that ProtectMarriage.com was**

10:39:15 22 **used sometimes to refer to, consisted of people who**

10:39:24 23 **signed up on the web to endorse or support --**

10:39:34 24 A. I think the confusion is that

10:39:37 25 ProtectMarriage.com a ballot measure committee in '05 is

Page 65

10:39:42 1 something very different from the ballot measure

10:39:44 2 committee of ProtectMarriage.com-Yes on 8.

10:39:48 3 **Q. Well, staying with the one that is reflected**

10:39:50 4 **by the documents that we have here, which is the 2005**

10:39:54 5 **ProtectMarriage.com, is Exhibit 2 a list of members or**

10:40:02 6 **some of the members of the coalition that is described**

10:40:06 7 **on Exhibit 1?**

10:40:11 8 A. I think what I would take issue with would be

10:40:14 9 the term "members." These were folks who agreed with

10:40:20 10 the general direction, purpose of that ballot measure

10:40:25 11 committee and went on themselves and placed themselves

10:40:28 12 on as an endorser.

10:40:32 13 **Q. But when the ProtectMarriage website referred**

10:40:36 14 **to a coalition of organizations, churches and**

10:40:39 15 **individuals, was it referring, at least in part, to the**

10:40:46 16 **entities and people listed on Exhibit 2?**

10:40:49 17 MS. MOSS: Objection. Lack of foundation.

10:41:00 18 MS. STEWART: Q You can still answer the question.

10:41:03 19 A. I choose not to.

10:41:05 20 MS. STEWART: You can't.

10:41:06 21 MS. MOSS: You can't choose not to.

10:41:06 22 THE WITNESS: I'm sorry.

10:41:07 23 MS. STEWART: She instructs --

10:41:08 24 MS. MOSS: I would object that there's a lack of

10:41:12 25 foundation for you to necessarily know. But if you

Page 66		Page 68	
10:41:14	1 do -- so if you know, you can answer the question. I'm	10:44:32	1 California Renewal, I think there are specific IDs that
10:41:17	2 not instructing you not to answer.	10:44:36	2 go with them.
10:41:24	3 THE WITNESS: You'll need to repeat the question,	10:44:37	3 Could you specify which --
10:41:25	4 please.	10:44:39	4 MS. STEWART: Let me use the date since I think
10:41:30	5 MS. STEWART: Can you read it back.	10:44:39	5 it's a little less cumbersome.
10:41:32	6 (Record read.)	10:44:43	6 MS. MOSS: That would be fine.
10:41:51	7 THE WITNESS: And again, that would be essentially	10:44:43	7 MS. STEWART: Q So are you saying that
10:41:54	8 before my time and my knowledge. And so forgive me for	10:44:45	8 Peter Henderson was the chairman of the 2005
10:42:01	9 misunderstanding. Again, what this reads in Exhibit I	10:44:49	9 California -- I'm sorry -- the 2005 ProtectMarriage.com
10:42:12	10 of '05 is, indeed, that it's a growing broad-based	10:44:53	10 project of California Renewal?
10:42:17	11 coalition. I think it speaks for itself that those who	10:44:55	11 A. The 2005 ProtectMarriage.com ballot measure --
10:42:24	12 signed on as endorsers claim to align with the general	10:45:00	12 Q. Is there --
10:42:31	13 purpose of the measure.	10:45:01	13 A. -- committee.
10:42:34	14 MS. STEWART: Q So when you say before your time,	10:45:02	14 Q. -- between the project and the ballot measure?
10:42:36	15 I'm trying to understand that.	10:45:06	15 A. Well, this would go to my lack of legal
10:42:38	16 You were the executive director of California	10:45:08	16 intellect. And that would be that I believe though the
10:42:40	17 Renewal in 2005; correct?	10:45:16	17 ballot measure committee is a project of California
10:42:42	18 A. Yes.	10:45:19	18 Renewal, it simply went to the board of California
10:42:42	19 Q. And ProtectMarriage.com was a project of	10:45:25	19 Renewal to ask for its use for the ballot measure
10:42:45	20 California Renewal; correct?	10:45:29	20 committee.
10:42:48	21 A. Correct.	10:45:32	21 Q. Did Mr. Henderson have any responsibility for
10:42:52	22 Q. Are you saying that you didn't have knowledge	10:45:34	22 the website of ProtectMarriage.com at the time?
10:42:54	23 of the operations of that project of California Renewal?	10:45:38	23 A. I don't -- I'll -- I don't know.
10:42:58	24 A. I was not involved on a day-to-day basis,	10:45:44	24 Q. What was the ballot measure that was the
10:43:03	25 correct.	10:45:47	25 subject of ProtectMarriage.com in 2005?
Page 67		Page 69	
10:43:04	1 Q. Were you involved on any basis?	10:45:52	1 A. The -- it was again recognizing the need to
10:43:07	2 A. I was informed because we were -- it was a	10:46:00	2 protect traditional marriage in California law.
10:43:15	3 project of California Renewal. I had a responsibility	10:46:05	3 Q. Was it different in any way from the 2008
10:43:18	4 to inform the board of directors who had given authority	10:46:06	4 ballot measure that became known as Proposition 8?
10:43:22	5 to use California Renewal for this purpose.	10:46:12	5 A. I believe so.
10:43:26	6 Q. And as part of that responsibility, did you	10:46:12	6 Q. How was it different?
10:43:29	7 familiarize yourself with the activities of	10:46:14	7 A. I believe that the -- the --
10:43:32	8 ProtectMarriage.com?	10:46:25	8 MS. MOSS: You can answer the question, but I'm
10:43:34	9 A. I was -- I was kept informed of the general	10:46:27	9 just going to insert an objection to the extent that
10:43:38	10 activities.	10:46:30	10 calls for a legal conclusion. But you can offer your --
10:43:39	11 Q. Okay.	10:46:35	11 THE WITNESS: I do not have -- I do not have the
10:43:40	12 And who kept you informed.	10:46:37	12 difference before me.
10:43:42	13 A. Peter Henderson.	10:46:40	13 MS. STEWART: Q So are you saying you don't
10:43:43	14 Q. And was Peter Henderson an employee of	10:46:41	14 remember.
10:43:50	15 California Family Council?	10:46:41	15 A. I don't I don't recall the specific language.
10:43:52	16 A. Yes, he was.	10:46:44	16 Q. Do you recall generally in lay persons terms
10:43:52	17 Q. And was he the one primarily responsible for	10:46:48	17 how the measure was different in the 2005 measure from
10:43:55	18 the ProtectMarriage.com project of California Renewal?	10:46:53	18 Proposition 8?
10:44:00	19 A. As I stated earlier, Peter was the chairman of	10:46:55	19 A. The -- there was some discussion of -- yes,
10:44:06	20 a separate and distinct committee of the '05 ballot	10:47:03	20 within the language there was discussion of where --
10:44:13	21 measure.	10:47:07	21 let's see -- of domestic partnerships.
10:44:16	22 Q. He was the chairman of the ProtectMarriage.com	10:47:14	22 Q. And what was your understanding as to what the
10:44:21	23 project of California Renewal?	10:47:18	23 measure would do with respect to domestic partnerships?
10:44:25	24 MS. MOSS: Can you -- there's -- I think since	10:47:21	24 MS. MOSS: I'll object to the extent you're asking
10:44:28	25 there's different ProtectMarriage.com projects of	10:47:23	25 for a legal understanding.

Page 70		Page 72	
10:47:25	1 MS. STEWART: I'm not. I'm asking for his	10:50:41	1 THE WITNESS: And I'll restate that I was aware of
10:47:27	2 understanding.	10:50:45	2 what the language stated.
10:47:29	3 THE WITNESS: I think that the measure clarified	10:50:46	3 MS. STEWART: Q Did you have an understanding as
10:47:32	4 that there was a legal differentiation between domestic	10:50:48	4 to the effect of that language, a lay person's
10:47:37	5 partnerships and marriage.	10:50:53	5 understanding in 2005?
10:47:39	6 MS. STEWART: I'm going to ask you to look at	10:50:54	6 A. I had an understanding that this language
10:47:41	7 Exhibit 3.	10:51:02	7 would be highly contested.
10:47:41	8 (Whereupon, Exhibit No. 3 was marked	10:51:07	8 Q. Did you have an understanding of what it would
10:47:52	9 For identification.)	10:51:09	9 mean if it was passed?
10:47:53	10 MS. STEWART: Q Do you recognize this document?	10:51:12	10 A. Well, I -- when you ask that question, I -- we
10:48:33	11 A. I'm familiar with it.	10:51:15	11 had an understanding of what it may mean.
10:48:35	12 Q. Is this the ballot measure that was the	10:51:19	12 Q. And what was that understanding?
10:48:45	13 responsibility of ProtectMarriage.com the 2005 ballot	10:51:20	13 A. It may mean one of two things: It may mean
10:48:48	14 measure committee?	10:51:24	14 that it would, as it states here, on its face, bar
10:48:53	15 A. It appears so.	10:51:28	15 domestic partnerships from being valid or recognized as
10:48:55	16 Q. And does this refresh your recollection as to	10:51:31	16 legal unions. On the other hand, it may very well mean
10:48:59	17 what that ballot measure would have done had it taken	10:51:36	17 it would not -- it would not hold up in court.
10:49:02	18 effect?	10:51:44	18 Q. So in other words, it could be challenged is
10:49:03	19 A. Yes, it does.	10:51:46	19 what you're saying?
10:49:04	20 Q. And can you tell me what that is?	10:51:48	20 A. Correct.
10:49:06	21 A. Well, the language states that the marriage	10:51:49	21 Q. But if it held up, it would mean that there
10:49:11	22 between a man and a woman would be the only legal union	10:51:51	22 would be no more domestic partnerships --
10:49:14	23 valid or recognized in California.	10:51:55	23 A. As it said on its face, yes.
10:49:16	24 Q. And it would bar domestic partnerships from	10:52:10	24 Q. Thank-you.
10:49:18	25 being recognized as valid legal unions in California; is	10:52:11	25 So earlier you were -- we got bogged down a
Page 71		Page 73	
10:49:22	1 that correct?	10:52:18	1 little bit in some confusion about the name
10:49:23	2 MS. MOSS: Objection. Calls for a legal	10:52:21	2 ProtectMarriage.com.
10:49:24	3 conclusion.	10:52:22	3 So we've now I think, if I understand your
10:49:28	4 THE WITNESS: That's what it states.	10:52:25	4 answers correctly, established that there was an entity
10:49:30	5 MS. STEWART: Q Were you aware at the time that	10:52:33	5 and a coalition that used the title
10:49:32	6 the ballot measure that ProtectMarriage.com was	10:52:35	6 "ProtectMarriage.com" in 2005; is that fair?
10:49:37	7 responsible for would have eliminated legal recognition	10:52:40	7 A. There was a ballot measure committee in 2005
10:49:43	8 for domestic relationships?	10:52:46	8 that used ProtectMarriage.com.
10:49:48	9 MS. MOSS: Objection. Assumes legal facts not in	10:52:48	9 Q. And there was also a coalition that used that
10:49:51	10 evidence.	10:52:51	10 terminology; correct?
10:49:53	11 THE WITNESS: I was aware that this language	10:52:53	11 A. I believe -- I believe I've answered that. I
10:49:57	12 existed from that earlier organization.	10:52:56	12 believe that there was no formal coalition.
10:50:04	13 MS. STEWART: Q And at the time that organization	10:53:00	13 Q. But there was a coalition -- informal?
10:50:07	14 was a project of California Renewal, i.e. in 2005, at	10:53:04	14 A. There were a variety of organizations,
10:50:11	15 that time were you aware that the ballot measure -- that	10:53:08	15 churches and individuals who agreed with the general
10:50:16	16 it was promoting would eliminate domestic partnerships?	10:53:14	16 direction of the ballot measure committee.
10:50:22	17 MS. MOSS: Objection. Assumes legal facts not in	10:53:16	17 Q. And was there an effort to circulate the
10:50:25	18 evidence.	10:53:26	18 measure that we just looked at as Exhibit 3 for
10:50:27	19 THE WITNESS: I can only say that I was aware of	10:53:31	19 signatures in 2005?
10:50:29	20 what the language stated.	10:53:33	20 A. To my knowledge, yes.
10:50:30	21 MS. STEWART: Q So you were aware that the	10:53:35	21 Q. And was -- did that effort fail?
10:50:33	22 amendment that was being proposed would bar domestic	10:53:39	22 A. Yes.
10:50:36	23 partnerships from being valid or recognized as legal	10:53:42	23 Q. Do you know why it failed?
10:50:39	24 unions in California?	10:53:49	24 A. I don't know the specific reason why it
10:50:40	25 MS. MOSS: Same objection.	10:53:52	25 failed. I know it didn't receive enough signatures.

Page 74

10:53:55 1 **Q. Was there a difficulty raising the funds to**
 10:53:59 2 **get those signatures?**
 10:54:00 3 A. I'm aware as far as the funding was very
 10:54:05 4 limited.
 10:54:16 5 **Q. Who did the fundraising for that effort?**
 10:54:21 6 MS. MOSS: To the extent that's publically known,
 10:54:25 7 you can respond. To the extent it would require you to
 10:54:28 8 reveal somebody whose association with that ballot
 10:54:33 9 measure committee is not known, I would direct you not
 10:54:36 10 to answer.
 10:54:36 11 THE WITNESS: I'm not aware.
 10:54:39 12 MS. STEWART: Q You're not aware at all or you're
 10:54:41 13 not aware of anyone non-public?
 10:54:44 14 A. I'm not aware of anyone at all.
 10:54:55 15 **Q. I want to fast forward a little bit to 2008 --**
 10:54:58 16 **but before I do, I want to cover the period between the**
 10:55:05 17 **measure we were just talking about, 2005 and 2008, and**
 10:55:09 18 **ask you: Was the name "ProtectMarriage.com" used for**
 10:55:15 19 **any purpose, to your knowledge, between when the 2005**
 10:55:22 20 **measure failed to get enough signatures and 2008?**
 10:55:30 21 A. I believe that there had been -- actually, I'm
 10:55:38 22 not sure. I don't know.
 10:55:43 23 **Q. Do you -- is it a failure of memory or you**
 10:55:46 24 **really you don't know at all?**
 10:55:50 25 A. It could be both.

Page 75

10:55:53 1 **Q. Okay.**
 10:55:56 2 A. I'm -- I don't have a recollection.
 10:55:58 3 **Q. Okay. Fair enough.**
 10:56:02 4 **In any event, in 2008, the name**
 10:56:05 5 **"ProtectMarriage.com" was used again; is that correct?**
 10:56:10 6 A. Correct.
 10:56:10 7 **Q. Can you tell me the purposes for which the**
 10:56:14 8 **name "ProtectMarriage.com" was used in 2008?**
 10:56:19 9 A. Well, ProtectMarriage.com was used for the
 10:56:24 10 ballot measure committee. And then once we received an
 10:56:32 11 initiative number, Yes on 8 was added to that.
 10:56:39 12 **Q. Okay.**
 10:56:40 13 **So it was used for the ballot measure**
 10:56:42 14 **committee.**
 10:56:43 15 **Was it also used to describe a coalition?**
 10:56:54 16 A. ProtectMarriage.com was -- has been -- during
 10:57:01 17 the ballot measure of '08, yes. When we would
 10:57:09 18 communicate about the measure, we would talk about the
 10:57:15 19 loose broad-based coalition.
 10:57:21 20 **Q. For ease of reference, can we refer to that**
 10:57:32 21 **coalition as the "ProtectMarriage.com coalition"?**
 10:57:36 22 A. Well, I -- I think that we haven't defined the
 10:57:39 23 term so that's my hesitancy. So I don't know that I'm
 10:57:43 24 comfortable saying there is ease to using that term.
 10:57:48 25 **Q. Well, you just mentioned that --**

Page 76

10:57:51 1 MS. STEWART: Can you read back his last answer.
 10:58:12 2 (Record read.)
 10:58:12 3 MS. STEWART: Q So I want to refer to that
 10:58:14 4 coalition that you just mentioned as the
 10:58:16 5 "ProtectMarriage.com coalition." To distinguish it from
 10:58:19 6 the "ProtectMarriage.com official ballot measure
 10:58:23 7 committee."
 10:58:25 8 Do you understand that distinction?
 10:58:26 9 A. Yes.
 10:58:28 10 **Q. And I'm doing that so that we don't keep**
 10:58:31 11 **getting bogged down in our questioning "Well, which --**
 10:58:35 12 **are you referring to the entity, the official entity or**
 10:58:38 13 **are you referring more broadly to the coalition?"**
 10:58:41 14 **So do you understand that use of the term?**
 10:58:43 15 A. I do. I -- however -- I believe I'm still at
 10:58:49 16 a place with a lack of understanding or a lack of
 10:58:55 17 agreement as to when we refer to a "coalition," you
 10:59:01 18 earlier used the term "member" and there were no such --
 10:59:04 19 there was no such entity.
 10:59:08 20 **Q. Okay.**
 10:59:10 21 **Well, let me ask you this: If you go to**
 10:59:15 22 **ProtectMarriage.com's website today, and I think this**
 10:59:18 23 **was true in 2008 as well, under the heading about**
 10:59:26 24 **ProtectMarriage.com it says "ProtectMarriage.com is a**
 10:59:30 25 **broad-based coalition of California families, community**

Page 77

10:59:35 1 **leaders, religious leaders, pro family organizations and**
 10:59:40 2 **individuals from all walks of life who have joined**
 10:59:44 3 **together to support Proposition 8."**
 10:59:48 4 **First of all, is that an accurate statement?**
 10:59:52 5 A. It's an accurate statement to the degree that
 10:59:54 6 we have an understanding of what "joined together"
 10:59:59 7 means.
 10:59:59 8 **Q. And what does "join together" mean in that**
 11:00:02 9 **website?**
 11:00:03 10 A. It means that we are like-minded towards the
 11:00:06 11 definition of marriage.
 11:00:08 12 **Q. Does that mean that you work together towards**
 11:00:10 13 **the passage of Proposition 8?**
 11:00:13 14 A. I think it meant that a number of different
 11:00:18 15 organizations, entities, churches worked towards the
 11:00:24 16 purpose of the passage.
 11:00:26 17 Did we work together? Not always.
 11:00:29 18 **Q. So sometimes you worked together and sometimes**
 11:00:30 19 **you worked separately; is that fair?**
 11:00:33 20 A. Well, actually, most -- those people who would
 11:00:38 21 say that they were part of that broad-based coalition
 11:00:42 22 were by no means under the authority or the direction of
 11:00:46 23 the ad hoc executive committee.
 11:00:49 24 **Q. Fair enough.**
 11:00:49 25 **But they -- when this language -- and I**

Page 78

11:00:53 1 apologize, we will have this printed out later -- but
 11:00:57 2 when the language on the website again says "That
 11:01:00 3 ProtectMarriage.com is a broad-based coalition of
 11:01:04 4 California families, community leaders, religious
 11:01:07 5 leaders, pro family organizations, and individuals from
 11:01:09 6 all walks of life who have joined together to support
 11:01:15 7 Proposition 8."
 11:01:16 8 So in some sense, did those entities, those
 11:01:21 9 groups, families, religious leaders, et cetera join
 11:01:26 10 together to support Proposition 8?
 11:01:28 11 A. I would say -- I would not agree with the
 11:01:31 12 accuracy of that statement on the website. I would
 11:01:34 13 have -- I would have taken issue with it and --
 11:01:37 14 (Ms. Piepmeier leaves the room.)
 11:01:39 15 THE WITNESS: -- and said working towards the
 11:01:40 16 passage. And I would have left out "joined together."
 11:01:46 17 MS. STEWART: Q So speaking now about
 11:01:55 18 ProtectMarriage.com the ballot measure committee, the
 11:02:04 19 one that supported Proposition 8, when was that
 11:02:08 20 committee formed?
 11:02:11 21 A. To the best of my knowledge, the middle of
 11:02:16 22 November, '07.
 11:02:38 23 Q. Was a website then created by that committee
 11:02:43 24 or for that committee?
 11:02:47 25 A. There had been a website during that time,

Page 79

11:02:52 1 yes.
 11:02:52 2 Q. Did the website that was -- that we saw on
 11:02:57 3 Exhibits 1 and 2 earlier remain online into 2008?
 11:03:04 4 A. I'm not aware. I don't know.
 11:03:06 5 Q. Okay.
 11:03:07 6 But at some point, there was a
 11:03:10 7 ProtectMarriage.com website that was the --
 11:03:14 8 A. Oriented towards the ballot measure committee
 11:03:16 9 of '08.
 11:03:17 10 Q. And you don't know when or how that website
 11:03:20 11 was created?
 11:03:21 12 A. I -- No, I don't know the specifics.
 11:03:27 13 MS. STEWART: I've been informed that the
 11:03:28 14 videographer needs to change the tape. So I think we
 11:03:33 15 should take a short break.
 11:03:36 16 THE VIDEOGRAPHER: This ends the end of tape No. 1,
 11:03:39 17 volume 1 of Ronald Prentice. We are off the record at
 11:03:46 18 11:03.
 11:08:48 19 (Brief break.)
 11:09:28 20 THE VIDEOGRAPHER: This marks the beginning of tape
 11:09:31 21 No. 2 in the deposition of Ronald Prentice. Back on the
 11:09:34 22 record at 11:09.
 11:09:37 23 MS. STEWART: Q All right. I think we just were
 11:09:40 24 talking about when ProtectMarriage.com the ballot
 11:09:46 25 measure committee that was responsible for Proposition 8

Page 80

11:09:52 1 was formed. And you said I think 2007.
 11:09:56 2 A. Mid-November, yes.
 11:09:57 3 Q. And did you play a role in the formation of
 11:10:00 4 that entity?
 11:10:02 5 A. I was a member of the ad hoc executive
 11:10:05 6 committee.
 11:10:05 7 Q. And who else was an ad -- a member of that ad
 11:10:14 8 hoc executive committee for the 2008 entity?
 11:10:21 9 MS. MOSS: I think that's been asked and answered.
 11:10:21 10 You can answer it again, but the same instruction.
 11:10:24 11 Don't reveal the one individual who's asked us to keep
 11:10:28 12 his --
 11:10:29 13 THE WITNESS: One individual has asked for
 11:10:32 14 confidentiality. And then Mark Jansson, Ned Dolejsi and
 11:10:37 15 myself.
 11:10:39 16 MS. STEWART: Q Was Mr. Pugno a member of the
 11:10:40 17 executive committee?
 11:10:42 18 A. No.
 11:10:42 19 Q. Did the membership of the executive committee
 11:10:46 20 change at any time?
 11:10:47 21 A. During the campaign? Is that what you're
 11:10:51 22 asking?
 11:10:53 23 Q. Yes.
 11:10:55 24 A. No, not to my knowledge, no.
 11:10:57 25 Q. So yourself, Ned Dolejsi, Mr. Jansson and

Page 81

11:11:04 1 we'll call him Mr. Doe; correct?
 11:11:08 2 A. Correct. Mr. or Ms.
 11:11:26 3 Q. Fair enough.
 11:11:28 4 When was that ad hoc committee first convened?
 11:11:31 5 (Ms. Piepmeier enters the room.)
 11:11:38 6 THE WITNESS: I'm not -- I wouldn't have referred
 11:11:42 7 to that group of people as an ad hoc executive committee
 11:11:47 8 until it was decided to move forward with the ballot
 11:11:53 9 measure. And therefore, I would say sometime in the
 11:12:03 10 middle of '08 -- excuse me -- '07.
 11:12:06 11 MS. STEWART: Q And are you saying -- if I
 11:12:10 12 understand your answer correctly, you're saying that it
 11:12:13 13 didn't meet as a committee per se, until the middle of
 11:12:20 14 2007?
 11:12:23 15 A. Well, even then we wouldn't have termed
 11:12:26 16 ourselves "the committee."
 11:12:27 17 Q. So putting aside what you called yourselves,
 11:12:30 18 when did that group first begin to meet?
 11:12:35 19 A. And I'm sorry, I don't know the any precise
 11:12:38 20 date. I would say that it -- that that group of
 11:12:46 21 individuals was in discussion anytime March to July,
 11:12:57 22 '07.
 11:13:01 23 Q. And then at some point -- and let me rephrase
 11:13:07 24 that.
 11:13:08 25 When did the California Renewal board give the

Page 110		Page 112			
12:03:42	1	A. A simulcast is where an event takes place in	12:06:21	1	Q. And McPherson's church you said was The Rock
12:03:46	2	one facility and the event is broadcast into other	12:06:25	2	Church?
12:03:53	3	facilities.	12:06:26	3	A. Correct.
12:03:55	4	Q. At the same time?	12:06:26	4	Q. And where is that?
12:03:55	5	A. Yes.	12:06:28	5	A. Point Loma-San Diego.
12:03:56	6	Q. Hence the simul part of simulcast?	12:06:31	6	Q. Thank-you. I'm bad with Southern California.
12:04:00	7	A. Yeah.	12:06:37	7	So the Pastors Rapid Response Team put them
12:04:01	8	Q. So you mentioned earlier that there were	12:06:46	8	on.
12:04:04	9	simulcasts done in the effort to pass Prop 8.	12:06:47	9	Were they sponsored by ProtectMarriage.com?
12:04:14	10	Can you describe those events, those simulcast	12:06:50	10	A. You need to tell me what you mean by
12:04:18	11	events.	12:06:51	11	"sponsored."
12:04:19	12	A. Those were put on by Pastors Rapid Response	12:06:54	12	Q. Did ProtectMarriage.com promote them in any
12:04:24	13	Team, and were oriented towards pastors and churches.	12:07:00	13	way?
12:04:34	14	Q. And how many were there?	12:07:10	14	A. I'm not -- I'm not remembering a time. I
12:04:40	15	A. I believe there were three.	12:07:14	15	would imagine we may have -- we may have communicated
12:04:47	16	Q. And did you participate in any way in those	12:07:18	16	that they took place or that they were going to take
12:04:55	17	simulcasts?	12:07:21	17	place. But it wasn't a major part of our communication.
12:04:56	18	A. No.	12:07:27	18	Q. Did ProtectMarriage.com provide funding for
12:04:57	19	Q. Were you present at the -- were they held in	12:07:31	19	them?
12:05:02	20	churches?	12:07:31	20	A. Yes.
12:05:05	21	MS. MOSS: Let me just interject. Obviously, you	12:07:34	21	Q. What level of funding, if you recall, did
12:05:07	22	can only answer what you know, and you can answer that.	12:07:38	22	ProtectMarriage.com provide for the simulcasts?
12:05:09	23	I just want to for the record note a lack of foundation	12:07:43	23	A. We provided for the total funding of the
12:05:12	24	to the extent that he said he didn't.	12:07:46	24	simulcast.
12:05:15	25	MS. STEWART: He can say if he doesn't know --	12:07:54	25	MS. STEWART: I'm going to suggest we take a lunch
Page 111		Page 113			
12:05:17	1	MS. MOSS: If he knows. I just want to preserve	12:07:56	1	break. Is this a good time for you guys?
12:05:19	2	the foundation objection.	12:07:59	2	MS. MOSS: Sure.
12:05:23	3	MS. STEWART: Preserve.	12:08:05	3	THE VIDEOGRAPHER: Off record at 12:07.
12:05:24	4	MS. MOSS: But you can answer.	12:08:07	4	(Lunch recess.)
12:05:25	5	THE WITNESS: I believe Pastor Garlow's church was	12:08:07	5	(Ms. Piepmeier is absent.)
12:05:28	6	the facility where -- actually, no, I'm wrong.	01:19:03	6	THE VIDEOGRAPHER: The time is 1:18, and we're back
12:05:32	7	At least one was held at The Rock Church,	01:19:05	7	on the record.
12:05:36	8	Miles McPherson's church. I believe two were held at	01:19:08	8	MS. STEWART: Q Mr. Prentice, do you understand
12:05:39	9	Pastor Garlow's church. And then they were broadcast	01:19:10	9	that you're still under oath?
12:05:43	10	into other churches.	01:19:12	10	A. Yes.
12:05:45	11	MS. STEWART: Q And did you observe them while	01:19:12	11	Q. And that when we take breaks in the
12:05:48	12	they -- well, first of all, were you at the churches	01:19:15	12	deposition, it doesn't mean the oath goes away.
12:05:51	13	when they were being held?	01:19:19	13	You understand that; right?
12:05:52	14	A. No.	01:19:20	14	A. Yes.
12:05:52	15	Q. Did you watch the simulcasts?	01:19:24	15	Q. Did the executive committee for
12:05:56	16	A. No.	01:19:36	16	ProtectMarriage.com have responsibility to coordinate
12:05:56	17	Q. Did you watch them ever after they were held?	01:19:43	17	with the organizations, churches and individuals that
12:05:59	18	A. One portion of one.	01:19:47	18	made up the ProtectMarriage coalition?
12:06:02	19	Q. And Pastor Garlow's church, which church is	01:19:54	19	A. By referring to executive committee of
12:06:06	20	that?	01:19:57	20	ProtectMarriage.com, you're referring to the committee
12:06:07	21	A. Skyline Westling Church.	01:20:00	21	that was formed for the campaign of '08?
12:06:13	22	Q. And where is it located?	01:20:04	22	Q. Yes.
12:06:16	23	A. El Cajon, California.	01:20:04	23	A. Did we have responsibility to communicate
12:06:18	24	Q. Is that near San Diego?	01:20:06	24	with --
12:06:19	25	A. San Diego, eastern San Diego.	01:20:07	25	Q. Right.

Page 114		Page 116	
01:20:07	1	01:24:02	1
01:20:09	2	01:24:05	2
01:20:10	3	01:24:05	3
01:20:12	4	01:24:55	4
01:20:18	5	01:25:02	5
01:20:22	6	01:25:04	6
01:20:28	7	01:25:28	7
01:20:36	8	01:25:43	8
01:20:49	9	01:25:45	9
01:21:31	10	01:25:48	10
01:21:39	11	01:26:13	11
01:21:42	12	01:27:08	12
01:21:46	13	01:27:10	13
01:21:59	14	01:27:12	14
01:22:01	15	01:27:16	15
01:22:04	16	01:27:18	16
01:22:07	17	01:27:19	17
01:22:09	18	01:27:23	18
01:22:19	19	01:27:27	19
01:22:21	20	01:27:30	20
01:22:24	21	01:27:32	21
01:22:29	22	01:27:34	22
01:22:31	23	01:27:35	23
01:22:35	24	01:27:39	24
01:22:40	25	01:27:41	25
Page 115		Page 117	
01:22:45	1	01:27:44	1
01:22:49	2	01:27:51	2
01:22:51	3	01:27:52	3
01:22:55	4	01:27:54	4
01:22:57	5	01:27:58	5
01:22:59	6	01:28:05	6
01:23:03	7	01:28:32	7
01:23:05	8	01:28:35	8
01:23:12	9	01:28:48	9
01:23:14	10	01:28:49	10
01:23:15	11	01:28:49	11
01:23:19	12	01:28:57	12
01:23:26	13	01:30:21	13
01:23:30	14	01:30:24	14
01:23:34	15	01:30:25	15
01:23:37	16	01:30:25	16
01:23:39	17	01:30:29	17
01:23:40	18	01:30:33	18
01:23:43	19	01:30:52	19
01:23:47	20	01:30:54	20
01:23:48	21	01:30:54	21
01:23:50	22	01:31:04	22
01:23:55	23	01:31:16	23
01:23:58	24	01:31:18	24
01:24:01	25	01:31:31	25

Page 198		Page 200	
04:28:34	1	04:32:03	1
04:28:37	2	04:32:08	2
04:28:40	3	04:32:12	3
04:28:41	4	04:32:13	4
04:28:43	5	04:32:13	5
04:28:49	6	04:32:15	6
04:28:52	7	04:32:19	7
04:28:53	8	04:32:22	8
04:28:56	9	04:32:24	9
04:29:05	10	04:32:27	10
04:29:08	11	04:32:56	11
04:29:10	12	04:33:00	12
04:29:14	13	04:33:05	13
04:29:23	14	04:33:09	14
04:29:27	15	04:33:13	15
04:29:28	16	04:33:16	16
04:29:29	17	04:33:18	17
04:29:32	18	04:33:18	18
04:29:35	19	04:33:19	19
04:29:36	20	04:33:21	20
04:29:38	21	04:33:24	21
04:29:51	22	04:33:26	22
04:29:55	23	04:33:27	23
04:29:56	24	04:33:34	24
04:30:07	25	04:33:49	25
Page 199		Page 201	
04:30:13	1	04:33:54	1
04:30:18	2	04:33:57	2
04:30:19	3	04:33:58	3
04:30:23	4	04:34:01	4
04:30:26	5	04:34:05	5
04:30:38	6	04:34:07	6
04:30:44	7	04:34:12	7
04:30:48	8	04:34:19	8
04:30:53	9	04:34:28	9
04:30:56	10	04:34:39	10
04:30:58	11	04:34:40	11
04:30:58	12	04:34:43	12
04:31:00	13	04:34:51	13
04:31:06	14	04:34:54	14
04:31:10	15	04:34:57	15
04:31:12	16	04:35:00	16
04:31:15	17	04:35:00	17
04:31:19	18	04:35:00	18
04:31:25	19	04:35:01	19
04:31:32	20	04:35:04	20
04:31:33	21	04:35:11	21
04:31:43	22	04:35:15	22
04:31:46	23	04:35:20	23
04:31:51	24	04:35:25	24
04:31:57	25	04:35:28	25

Page 202		Page 204	
04:35:36	1 taking orders from any authoritative group. And these	04:38:28	1 that received it.
04:35:49	2 entities were like-minded about the passage of such a	04:38:32	2 Q. And I apologize, again, if I -- there's a lot
04:35:55	3 measure, but -- but that's -- that's the extent of the	04:38:37	3 of entities here, and so I'm not sure what I've asked
04:36:01	4 relationship.	04:38:41	4 about and what I haven't. I'm trying to keep track.
04:36:02	5 Q. Okay.	04:38:45	5 But when did the official ballot measure
04:36:02	6 So without changing that non-authoritative	04:38:48	6 committee for Proposition 8 actually form?
04:36:07	7 informal coalition -- definition of coalition, were the	04:38:52	7 A. The ballot committee formed the -- I'm doing
04:36:10	8 groups listed on the first page of this brochure moving	04:39:01	8 the math here. I believe it was --
04:36:17	9 forward with an attempt to qualify Proposition 8 for the	04:39:06	9 MS. MOSS: That actually has been asked and
04:36:19	10 ballot?	04:39:08	10 answered earlier.
04:36:21	11 A. Individually, independently.	04:39:10	11 THE WITNESS: I thought so.
04:36:24	12 Q. And one of those entities was the California	04:39:11	12 MS. MOSS: His testimony earlier was in
04:36:27	13 Family Council?	04:39:14	13 mid-November, 2007.
04:36:28	14 A. Correct.	04:39:15	14 THE WITNESS: Thank-you.
04:36:28	15 Q. And another was Focus on the Family?	04:39:16	15 MS. STEWART: Q So why would you describe
04:36:32	16 A. Yes.	04:39:19	16 ProtectMarriage.com as a coalition in a brochure if a
04:36:33	17 Q. And another was Concerned Women for America?	04:39:36	17 coalition of groups working to put a measure on the
04:36:38	18 A. I'm not aware of any activity that they were	04:39:39	18 ballot if -- strike that.
04:36:40	19 accomplishing in this timeline.	04:39:52	19 At the time this brochure was prepared by the
04:36:42	20 Q. Do you know why they would have been listed on	04:39:55	20 California Family Council, there had actually been a
04:36:45	21 a California Family Council brochure as being part of	04:40:01	21 ballot measure committee formed; is that right?
04:36:49	22 the effort if they were not doing anything?	04:40:04	22 A. I don't think that's been established in terms
04:36:52	23 A. I think there was -- I believe that this piece	04:40:05	23 of the timeline of the creation of this (indicating).
04:36:57	24 was created at the request of a -- a church that wanted	04:40:10	24 Q. Let me tell you that the title of the document
04:37:04	25 information. And that that church asked that we might	04:40:13	25 in the document production has a date on -- in the Bates
Page 203		Page 205	
04:37:09	1 list numerous groups that had expressed interest in its	04:40:29	1 number, and it's February 20, 2008.
04:37:14	2 passage.	04:40:32	2 Now, I don't know what that means because I
04:37:14	3 Q. Okay.	04:40:35	3 don't know how those numbers were put on there because
04:37:15	4 Would you have listed a group to be described	04:40:41	4 your counsel produced the documents in a digital form.
04:37:25	5 as being involved or as working on attempting to qualify	04:40:45	5 But does that help you in any way --
04:37:33	6 a ballot measure if it wasn't doing anything?	04:40:48	6 A. No.
04:37:37	7 A. I would have listed a group that was	04:40:50	7 Q. But we know that at some point before the
04:37:38	8 like-minded and whose -- yeah, I -- I would have listed	04:40:54	8 Supreme Court decided and knowing that the court would
04:37:46	9 a group that was like-minded.	04:40:57	9 decide in the middle of 2008, this document was
04:37:48	10 Q. Even if it had not in any way committed to	04:41:00	10 prepared?
04:37:50	11 work on the ballot measure?	04:41:05	11 A. Yes.
04:37:54	12 A. I would have asked each of these groups	04:41:05	12 Q. And we know from the "what you can do" section
04:37:56	13 whether they would allow us to put their name on this.	04:41:11	13 that it was talking about a million signatures being
04:38:00	14 Q. Was that done in connection with preparing	04:41:19	14 needed between now and Easter, 2008.
04:38:00	15 this brochure?	04:41:21	15 Do you see that?
04:38:01	16 A. I believe it was.	04:41:22	16 A. Yes.
04:38:03	17 Q. And were you the one who did it?	04:41:22	17 Q. And what is the period within which you have
04:38:05	18 A. No.	04:41:26	18 to collect signatures for a ballot measure in
04:38:05	19 Q. Do you know who did?	04:41:30	19 California?
04:38:08	20 A. No.	04:41:30	20 A. 150 days.
04:38:09	21 Q. What was the -- to whom did this brochure	04:41:33	21 Q. So would it be fair to say that this document
04:38:13	22 ultimately go?	04:41:36	22 would have had to have been prepared approximately 150
04:38:16	23 A. Again, I'm not -- I'm not able to answer that.	04:41:46	23 days before Easter of 2008?
04:38:21	24 I expressed how -- how I think it came to be developed	04:41:49	24 A. Yes.
04:38:24	25 and for what purpose. But I don't know the population	04:41:49	25 Q. Thank-you.

Page 222		Page 224	
05:17:17	1	05:21:10	1
05:17:20	2	05:21:13	2
05:17:25	3	05:21:16	3
05:17:37	4	05:21:16	4
05:17:40	5	05:21:17	5
05:18:02	6	05:21:20	6
05:18:02	7	05:21:24	7
05:18:38	8	05:21:27	8
05:18:40	9	05:21:35	9
05:18:43	10	05:21:37	10
05:18:46	11	05:21:40	11
05:18:48	12	05:21:44	12
05:18:51	13	05:21:48	13
05:18:52	14	05:21:52	14
05:19:00	15	05:21:55	15
05:19:04	16	05:21:58	16
05:19:08	17	05:22:03	17
05:19:09	18	05:22:07	18
05:19:11	19	05:22:13	19
05:19:13	20	05:22:17	20
05:19:16	21	05:22:18	21
05:19:21	22	05:22:18	22
05:19:25	23	05:22:29	23
05:19:27	24	05:22:32	24
05:19:31	25	05:22:36	25
Page 223		Page 225	
05:19:35	1	05:22:37	1
05:19:37	2	05:22:40	2
05:19:43	3	05:22:43	3
05:19:45	4	05:22:53	4
05:19:54	5	05:22:59	5
05:19:58	6	05:23:04	6
05:20:00	7	05:23:09	7
05:20:01	8	05:23:11	8
05:20:02	9	05:23:16	9
05:20:05	10	05:23:19	10
05:20:24	11	05:23:27	11
05:20:25	12	05:23:32	12
05:20:37	13	05:23:36	13
05:20:39	14	05:23:39	14
05:20:45	15	05:23:46	15
05:20:51	16	05:23:49	16
05:20:53	17	05:23:53	17
05:20:56	18	05:24:01	18
05:20:56	19	05:24:06	19
05:20:59	20	05:24:11	20
05:20:59	21	05:24:16	21
05:21:00	22	05:24:25	22
05:21:00	23	05:24:29	23
05:21:04	24	05:24:35	24
05:21:07	25	05:24:35	25

Page 226		Page 228	
05:24:38	1 communications that were from -- that referred to	05:29:47	1 A. I don't have any memory of this.
05:24:44	2 ProtectMarriage.com to make a distinction between the	05:29:50	2 Q. You testified earlier that you did participate
05:24:46	3 coalition that's mentioned on Exhibit 25 and the	05:29:54	3 in some conference calls organized by the Pastors Rapid
05:25:05	4 ProtectMarriage campaign executive committee?	05:29:59	4 Response Team; correct?
05:25:10	5 A. Did I expect the voters to be able to make a	05:30:00	5 A. Yes.
05:25:12	6 distinction between what --	05:30:01	6 Q. Do you have any reason to doubt -- well, let
05:25:14	7 Q. Between -- in reviewing communications that	05:30:04	7 me focus your attention on the third page of this
05:25:16	8 they received from ProtectMarriage.com that referred to	05:30:09	8 document, which appears to be some, sort of, perhaps
05:25:20	9 ProtectMarriage.com, did you expect voters to	05:30:13	9 agenda, it's not entirely clear, for a conference call
05:25:24	10 distinguish between the executive committee or the	05:30:20	10 it has a July 30, 2008 date. And on the third page,
05:25:28	11 primarily formed ballot committee on the one hand, and	05:30:25	11 Item 5 it says "How to Educate your State."
05:25:31	12 the broad coalition that you've described on -- or that	05:30:30	12 Do you see that?
05:25:35	13 is described on Exhibit 25 in the last paragraph?	05:30:30	13 A. Yes.
05:25:42	14 A. Well, I can't speak for everyone who wrote on	05:30:31	14 Q. And it lists Tony Perkins with a website
05:25:45	15 behalf of the campaign committee. But I think that	05:30:35	15 www.FRC.org.
05:25:49	16 there were very clearly incidents where we were very	05:30:37	16 Do you see that?
05:25:54	17 specific about the ProtectMarriage.com--Yes on 8 campaign	05:30:39	17 A. Yes.
05:26:00	18 committee.	05:30:40	18 Q. And underneath that your name and
05:26:00	19 Q. What were you the chairman of?	05:30:42	19 www.CaliforniaFamily.org.
05:26:04	20 A. I was the chairman of the ad hoc executive	05:30:46	20 Do you see?
05:26:07	21 committee.	05:30:47	21 A. Yes.
05:26:07	22 Q. Were you also the chairman of ProtectMarriage	05:30:47	22 Q. And underneath that Frank Shubert,
05:26:12	23 in the broader sense of that term?	05:30:48	23 Shubert-Flint Public Affairs, Sacramento.
05:26:15	24 A. Define the broader sense of the term.	05:30:52	24 Do you see that?
05:26:17	25 Q. The coalition described at the bottom of	05:30:53	25 A. Yes.
Page 227		Page 229	
05:26:20	1 Exhibit 25.	05:30:53	1 Q. Now, July 30th of 2008 was after the
05:26:23	2 A. No, because there was no -- there was no	05:30:59	2 Proposition 8 had qualified for the ballot; correct?
05:26:26	3 organization as such.	05:31:02	3 A. Yes.
05:26:28	4 Q. Look back at Exhibit 26, if you would.	05:31:02	4 Q. So it was during the campaign itself?
05:26:41	5 Do you see at the top it has a photograph of	05:31:05	5 A. Yes.
05:26:43	6 you?	05:31:05	6 Q. And do you recall participating in a
05:26:45	7 A. Yes.	05:31:15	7 conference call with -- organized by the Pastors Rapid
05:26:45	8 Q. And underneath it says "Ron Prentice,	05:31:20	8 Response Team in which you spoke about the topic of how
05:26:48	9 coalition chairman"?	05:31:23	9 to educate your State?
05:26:49	10 A. Yes.	05:31:25	10 A. No.
05:26:50	11 Q. Does that suggest that you were the chairman	05:31:27	11 Q. Do you recall participating in a conference
05:26:53	12 of the broad-based coalition that is referred to in so	05:31:29	12 call organized by the Pastors Rapid Response Team in
05:26:57	13 many of the communications from ProtectMarriage.com?	05:31:33	13 which you spoke at the -- in a part of the conference
05:27:10	14 A. I would say wrongly so, yes.	05:31:42	14 call at which Tony Perkins and Frank Shubert also spoke?
05:27:32	15 MS. STEWART: I'm going to give you what we'll mark	05:31:50	15 A. Yes. However, there's no evidence that I
05:27:54	16 as 29.	05:31:54	16 actually fulfilled this duty having never seen this, and
05:27:55	17 (Whereupon, Exhibit No. 29 was	05:31:59	17 there were other times.
05:28:10	18 Marked for identification.)	05:32:00	18 Q. Okay.
05:28:10	19 MS. STEWART: Q Take a minute to look at it and	05:32:00	19 But you recall speaking with those two
05:28:13	20 tell me if you have ever seen this document before.	05:32:03	20 individuals at conference calls?
05:28:51	21 (Pause in the proceedings.)	05:32:05	21 A. I recall a -- you know, one or more webinar
05:29:18	22 THE WITNESS: I've never seen this document before.	05:32:11	22 conference calls where those gentlemen also spoke.
05:29:21	23 MS. STEWART: Q In any event, do you recall	05:32:16	23 Q. And when you participated in webinars --
05:29:23	24 participating in a conference call organized by the	05:32:18	24 webinar conference calls organized by the Pastors Rapid
05:29:26	25 Pastors Rapid Response Team on or about July 30th, 2008?	05:32:26	25 Response Team, did you participate for the entire call?

Page 258		Page 260	
06:43:13	1 umbrella?	06:46:59	1 the press release for ProtectMarriage.com is broad-based
06:43:15	2 A. I don't believe it was ever described under	06:47:07	2 coalition of California families, community leaders,
06:43:17	3 the umbrella.	06:47:11	3 religious leaders, pro-family organizations and
06:43:20	4 Q. Was the Mormon Church one of the churches,	06:47:14	4 individuals from all walks of life."
06:43:28	5 organizations, individuals described as part of the	06:47:17	5 I recognize that as not your phrasing that you
06:43:35	6 ProtectMarriage.com coalition?	06:47:21	6 drafted. But within the description that they have
06:43:43	7 A. I don't believe it was by the committee.	06:47:25	7 given, would you consider Focus on the Family to be part
06:43:46	8 Q. You don't believe it was described that way by	06:47:28	8 of that group?
06:43:49	9 the committee?	06:47:44	9 A. If we are defining coalition as a loose
06:43:49	10 A. Yes.	06:47:47	10 association of people walking in the same direction.
06:43:50	11 Q. Was -- who's Glenn Stanton?	06:48:19	11 Q. Using your definition of "coalition" that you
06:43:55	12 A. An employee at Focus on the Family.	06:48:23	12 just gave, a loose association of people walking in the
06:43:58	13 Q. What's his position with Focus on the Family?	06:48:27	13 same direction, and adding to it the direction being to
06:43:59	14 A. I don't know his title.	06:48:30	14 pass Proposition 8, would you consider the National
06:44:02	15 Q. Okay.	06:48:33	15 Organization for Marriage to be part of that coalition?
06:44:03	16 Do you know what his function is?	06:48:47	16 A. Yes.
06:44:07	17 A. Research.	06:48:51	17 Q. How about the Knights of Columbus, would you
06:44:10	18 Q. Was he -- did he play any role in the passage	06:48:53	18 consider them to be part of the coalition?
06:44:18	19 of Proposition 8, to your knowledge?	06:48:55	19 A. Again, the coalition being people who, and
06:44:24	20 MS. MOSS: Lack of foundation. But if you know,	06:49:00	20 organizations that supported the passage of Prop 8?
06:44:25	21 answer.	06:49:07	21 Yes.
06:44:28	22 THE WITNESS: No active role that I'm aware of.	06:49:08	22 Q. And how about Catholics for the Common Good,
06:44:31	23 MS. STEWART: Q Are you aware of him having done	06:49:10	23 were they part of that coalition?
06:44:36	24 public speaking on the issue in California during the	06:49:13	24 A. Yes.
06:44:39	25 campaign period?	06:49:15	25 Q. How about Catholics for ProtectMarriage.com,
Page 259		Page 261	
06:44:39	1 A. No.	06:49:17	1 were they part of the coalition?
06:44:42	2 Q. Are you aware that he participated in some of	06:49:22	2 MS. MOSS: Same definition?
06:44:45	3 the simulcasts that you testified about earlier?	06:49:24	3 MS. STEWART: Yes.
06:44:52	4 A. You remind me that his name may have been in	06:49:31	4 THE WITNESS: Yes.
06:44:57	5 the one that you pointed out to me. But I don't recall	06:49:32	5 MS. STEWART: Q And how about the California
06:45:00	6 his involvement.	06:49:34	6 Catholic Conference, were they part of that coalition?
06:45:05	7 Q. Was Focus on the Family one of the churches,	06:49:40	7 A. I think up to now you've talked about
06:45:08	8 organizations and individuals that was described as the	06:49:42	8 activity. And when you name the structure of the
06:45:16	9 coalition -- the ProtectMarriage.com coalition?	06:49:50	9 Catholic Conference, that's an endorsement.
06:45:24	10 MS. MOSS: I'll object to the extent the term	06:50:03	10 Q. I'm a little confused by your answer.
06:45:27	11 "coalition" or the description -- your understanding of	06:50:05	11 Are you saying that the California Catholic
06:45:30	12 coalition, you can answer.	06:50:08	12 Conference didn't play any kind of active role but
06:45:32	13 THE WITNESS: I would again reframe it. I would	06:50:17	13 rather simply endorsed Proposition 8?
06:45:42	14 say that Focus on the Family was described in our -- in	06:50:20	14 A. The California Catholic Conference of Bishops?
06:45:47	15 the committees -- in the campaign committee's	06:50:24	15 Q. Yes.
06:45:51	16 communications as participating for the passage of	06:50:24	16 A. Yes, endorsed Prop 8.
06:45:57	17 Prop 8.	06:50:26	17 Q. And how about the U.S. Conference of Catholic
06:45:58	18 MS. STEWART: Q And earlier we saw an exhibit	06:50:29	18 Bishops, were they a member of coalition as we've been
06:46:05	19 which was a ProtectMarriage.com communication from your	06:50:32	19 using that term in the last few questions?
06:46:10	20 press consultants, as I recall, that described	06:50:39	20 A. Their objective was to participate in the
06:46:15	21 ProtectMarriage.com as a -- I want to get the exact	06:50:43	21 passage of Prop 8.
06:46:21	22 terminology so nobody objects --	06:50:45	22 Q. So again, my question -- I want to make sure I
06:46:48	23 I'm looking back again at Exhibit 25, which is	06:50:48	23 get the question I asked answered. And sometimes it's,
06:46:52	24 what I was referring to. We looked at this exhibit and	06:50:52	24 kind of, a "yes" or "no" question.
06:46:56	25 the language that was used by the people who prepared	06:50:54	25 Would you consider the U.S. Conference of

Page 262

06:50:58 1 **Catholic Bishops to be part of the coalition as we**
 06:51:03 2 **defined it a few minutes ago?**
 06:51:13 3 A. By saying that -- the definition that we used
 06:51:18 4 a few minutes ago talked about activity and action. And
 06:51:22 5 in my clarification regarding the California Catholic
 06:51:25 6 Conference of Bishops, I referred to an endorsement
 06:51:28 7 versus an activity. And the U.S. Council of Catholic
 06:51:37 8 Bishops is more of an endorsement than it is an
 06:51:43 9 activity.
 06:51:43 10 **Q. Okay.**
 06:51:49 11 **Are you familiar with a website called**
 06:51:51 12 **MarriageMattersToKids.org?**
 06:51:54 13 A. No.
 06:52:02 14 **Q. Did ProtectMarriage.com, the primary ballot**
 06:52:15 15 **committee, the narrow ProtectMarriage.com, have a U-Tube**
 06:52:21 16 **channel that it used to communicate with voters?**
 06:52:34 17 A. Not to my knowledge.
 06:52:47 18 **Q. The Rock Church, Pastor McPherson's church in**
 06:52:52 19 **San Diego, is that part of the ProtectMarriage.com**
 06:52:55 20 **coalition as we defined it a few minutes ago?**
 06:53:00 21 A. Actively working to pass Proposition 8?
 06:53:03 22 **Q. Yes.**
 06:53:04 23 A. The Rock Church did so, yes.
 06:53:06 24 **Q. And did the Skyline Church also do so?**
 06:53:11 25 A. Yes.

Page 263

06:53:17 1 **Q. And did Pastor Garlow and Pastor McPherson**
 06:53:23 2 **also do so?**
 06:53:25 3 A. As the heads of those churches?
 06:53:28 4 **Q. Yes.**
 06:53:28 5 A. Yes.
 06:53:30 6 **Q. Did -- never mind.**
 06:53:39 7 **How about The Pacific Justice Institute, did**
 06:53:43 8 **that entity, to your knowledge, play any role in the**
 06:53:48 9 **passage of Proposition 8?**
 06:53:52 10 A. Yes.
 06:53:52 11 **Q. What role did The Pacific Justice Institute**
 06:53:56 12 **play?**
 06:53:57 13 MS. MOSS: Lack of foundation. But to the extent
 06:53:59 14 you know, you can answer.
 06:54:00 15 MS. STEWART: You know what, I'd stipulate that you
 06:54:02 16 can preserve that objection for every question if you
 06:54:06 17 want --
 06:54:06 18 MS. MOSS: It's not for every question. I want it
 06:54:09 19 to be clear on the record that you're asking him areas
 06:54:11 20 that he may have limited knowledge. But I want it to be
 06:54:13 21 clear for the record he --
 06:54:13 22 MS. STEWART: I'm saying "to your knowledge."
 06:54:15 23 MS. MOSS: -- established --
 06:54:15 24 MS. STEWART: Obviously, if he doesn't know --
 06:54:16 25 MS. MOSS: Well --

Page 264

06:54:17 1 MS. STEWART: -- know.
 06:54:17 2 MS. MOSS: But even if he knows something, it
 06:54:21 3 doesn't mean that you've established that he has a basis
 06:54:23 4 for accurate or complete or detailed information.
 06:54:27 5 MS. STEWART: I'm not suggesting that by my
 06:54:29 6 question.
 06:54:29 7 MS. MOSS: Well --
 06:54:30 8 MS. STEWART: Make your objection. That's all
 06:54:31 9 right.
 06:54:32 10 **Q. So what role did Pacific Justice Institute**
 06:54:35 11 **play, to your knowledge?**
 06:54:36 12 A. Pacific Justice Institute promoted the passage
 06:54:41 13 of Prop 8 on their own website.
 06:54:44 14 **Q. Did the American Family Association, to your**
 06:54:53 15 **knowledge, promote the passage of Proposition 8 on its**
 06:54:58 16 **own website?**
 06:55:00 17 A. I'm not sure.
 06:55:02 18 **Q. Did Focus on the Family promote passage of**
 06:55:06 19 **Proposition 8 on its website?**
 06:55:20 20 A. Yes.
 06:55:22 21 **Q. Did the Family -- let me reframe that.**
 06:55:35 22 **Did the -- I think you testified earlier that**
 06:55:42 23 **you did not know whether the Mormon Church had a website**
 06:55:45 24 **specifically to promote Proposition 8; correct?**
 06:55:50 25 A. Correct.

Page 265

06:55:50 1 **Q. Do you know whether the Mormon Church used any**
 06:55:55 2 **website to promote passage of Proposition 8?**
 06:55:59 3 A. No, I don't know.
 06:56:02 4 **Q. Is the Family Research Council a part of the**
 06:56:08 5 **coalition that we defined earlier, shortly ago that**
 06:56:16 6 **works to pass Proposition 8?**
 06:56:21 7 A. You mean the vague non-descript loose
 06:56:25 8 association that you're referring to as the coalition?
 06:56:28 9 **Q. Yes.**
 06:56:32 10 A. Family Research Council participated in the
 06:56:35 11 promotion of the passage of Proposition 8.
 06:56:38 12 **Q. And not only am I using it that way, but**
 06:56:42 13 **ProtectMarriage.com in its communications has sometimes**
 06:56:46 14 **used it that way; correct?**
 06:56:48 15 A. I don't know that that wording has ever been
 06:56:51 16 used.
 06:56:52 17 **Q. Well, the Exhibit 25 that we've gone back to a**
 06:56:55 18 **few times uses the phrase "coalition" referring to a**
 06:57:02 19 **broad-based coalition of California families, community**
 06:57:06 20 **leaders, religious leaders, pro-family organization and**
 06:57:09 21 **individuals from all walks of life who have joined**
 06:57:13 22 **together to support Proposition 8." That's the**
 06:57:17 23 **coalition I'm referring to, that description.**
 06:57:24 24 **Do you understand that?**
 06:57:26 25 A. I understand that you're saying that, yes.

Page 266		Page 268	
06:57:29	1	07:01:01	1
06:57:32	2	07:01:11	2
06:57:37	3	07:01:13	3
06:57:43	4	07:01:54	4
06:57:47	5	07:01:58	5
06:57:58	6	07:02:00	6
06:58:02	7	07:02:24	7
06:58:04	8	07:02:26	8
06:58:07	9	07:02:29	9
06:58:10	10	07:02:31	10
06:58:14	11	07:02:34	11
06:58:17	12	07:02:35	12
06:58:21	13	07:02:37	13
06:58:27	14	07:02:38	14
06:58:30	15	07:02:40	15
06:58:34	16	07:02:44	16
06:58:38	17	07:02:54	17
06:58:40	18	07:02:57	18
06:58:44	19	07:02:57	19
06:58:46	20	07:03:22	20
06:58:46	21	07:03:25	21
06:58:49	22	07:03:27	22
06:58:52	23	07:03:29	23
06:58:55	24	07:03:34	24
06:59:00	25	07:03:35	25
Page 267		Page 269	
06:59:11	1	07:03:45	1
06:59:13	2	07:03:47	2
06:59:49	3	07:03:47	3
06:59:51	4	07:03:47	4
06:59:57	5	07:03:47	5
07:00:03	6	07:03:47	6
07:00:07	7		
07:00:08	8		
07:00:09	9		
07:00:13	10		
07:00:16	11		
07:00:19	12		
07:00:21	13		
07:00:22	14		
07:00:25	15		
07:00:29	16		
07:00:34	17		
07:00:38	18		
07:00:40	19		
07:00:43	20		
07:00:45	21		
07:00:48	22		
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07:00:53	24		
07:00:55	25		

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
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Page 272

1 ERRATA SHEET
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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

EXHIBIT B

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

11:13:13 1 go ahead to -- let me back up.

11:13:22 2 **Did the California Renewal board ask the**

11:13:28 3 **individuals you mentioned to serve on a committee at**

11:13:33 4 **some point in time?**

11:13:35 5 A. I apologize that I don't have knowledge of the

11:13:39 6 timing of the minutes of the California Renewal board I

11:13:46 7 would say that I lack a definite date as to when that

11:13:54 8 took place.

11:13:55 9 **Q. But it did take place?**

11:13:57 10 A. In terms of asking those specific individuals?

11:13:59 11 **Q. Yes.**

11:13:59 12 A. I think it was more -- I was given the

11:14:01 13 authority to move forward with the ballot measure being

11:14:12 14 a project of California Renewal.

11:14:17 15 **Q. And did you request the other members -- the**

11:14:20 16 **people who became the members of the executive committee**

11:14:23 17 **to serve in that capacity?**

11:14:28 18 A. It's an odd -- it's an odd thing to try to

11:14:33 19 describe because we can talk about an ad hoc executive

11:14:36 20 committee and even that we wouldn't have referred to

11:14:44 21 ourselves as "members." We were -- we were n an

11:14:50 22 association of individuals who by our discussions

11:14:57 23 recognized the need or the desire to move forward.

11:15:03 24 **Q. All right.**

11:15:04 25 A. Sorry.

11:15:04 1 **Q. You said California Renewal --**

11:15:10 2 MS. STEWART: Can you read back, like, two answers

11:15:13 3 ago.

11:15:31 4 (Record read.)

11:15:35 5 MS. STEWART: Q When you were given the authority

11:15:37 6 to move forward with the ballot measure being a project,

11:15:39 7 California Renewal, did you go to Mr. Dolejsi and

11:15:44 8 Mr. Jansson and Mr. or Ms. Doe and ask them to assist

11:15:50 9 you in that endeavor in some way?

11:15:53 10 A. There was no -- there was no official moment

11:15:56 11 in time when I went to any one of them and said, "Will

11:15:58 12 you assist me?" There was dialogue. And as a group of

11:16:08 13 individuals, we said, "Let's move forward."

11:16:11 14 **Q. And when did you decide to move forward as a**

11:16:13 15 **group of individuals?**

11:16:17 16 A. I -- I have attempted to answer that and --

11:16:23 17 **Q. You can say you don't remember.**

11:16:26 18 A. I don't recall beyond middle of '07.

11:16:28 19 **Q. And what was the function of the executive**

11:16:32 20 **committee?**

11:16:40 21 A. To identify the strategic plan for the ballot

11:16:48 22 measure. To give consideration to the selection of

11:16:56 23 vendors that would be necessary. And to identify a

11:17:03 24 fundraising plan.

11:17:11 25 **Q. And did the executive committee carry out**

11:17:15 1 those functions?

11:17:16 2 A. Yes.

11:17:19 3 **Q. Did the executive committee oversee any aspect**

11:17:22 4 **of the campaign after the measure was qualified for the**

11:17:27 5 **ballot?**

11:17:31 6 A. The executive committee met and received

11:17:34 7 reports and gave and supervised the primary vendors that

11:17:42 8 were selected, yes.

11:17:45 9 **Q. So is it fair to say that the first job that**

11:17:52 10 **the executive committee had was to get a measure**

11:17:56 11 **qualified for the ballot?**

11:17:58 12 A. Yes.

11:18:00 13 **Q. First big job anyway?**

11:18:01 14 A. Uh-huh.

11:18:02 15 **Q. And how did the executive committee do that?**

11:18:11 16 A. Through communication, through informing the

11:18:14 17 general population of the -- of title and summary and

11:18:24 18 petitions. By working with different networks within

11:18:32 19 the State, whether if be individuals who would contact

11:18:38 20 us and say "We want to help with petitions," and we

11:18:43 21 would just attempt to make it something better than

11:18:48 22 chaos in getting those petitions out.

11:18:51 23 **Q. And when you say "networks within the State,"**

11:18:54 24 **what networks?**

11:18:56 25 A. They were -- there again, there were -- there

11:19:03 1 were local networks of people who would say we're part

11:19:10 2 of this church or we're part of -- we're a group of

11:19:16 3 pastors in this area. Or -- that's how it all came to

11:19:23 4 be. They weren't established organizations or entities,

11:19:26 5 they were just, once again, loosely associated people

11:19:30 6 who were like-minded in this general direction.

11:19:38 7 **Q. You said that you were -- strike that.**

11:20:01 8 **How did you -- did you raise money to do paid**

11:20:08 9 **signature gathering for the ballot measure?**

11:20:13 10 MS. MOSS: Did you ask did or how?

11:20:15 11 MS. STEWART: Did.

11:20:16 12 THE WITNESS: Yes, we participated in that.

11:20:18 13 MS. STEWART: Q And where did the primary

11:20:23 14 donations come from for the signature gathering?

11:20:41 15 A. Well, I think it's a matter of public record

11:20:44 16 that there were a number of different organizations that

11:20:47 17 contributed during the petition gathering. National

11:20:51 18 Organization for Marriage was one, Focus on the Family

11:20:54 19 was another I believe were primary during --

11:21:02 20 **Q. Did the church of Jesus Christ of the**

11:21:03 21 **Latter-Day Saints help fund the petition-gathering**

11:21:10 22 **effort?**

11:21:14 23 A. No.

11:21:14 24 **Q. Any other organizations that you can think of**

11:21:15 25 **that were significant donors, more than \$25,000 for the**

Page 162		Page 164	
03:05:41	1	03:09:17	1
03:05:46	2	03:09:21	2
03:05:47	3	03:09:24	3
03:05:48	4	03:09:26	4
03:05:59	5	03:09:30	5
03:06:02	6	03:09:34	6
03:06:05	7	03:09:42	7
03:06:06	8	03:09:50	8
03:06:11	9	03:09:54	9
03:06:14	10	03:09:56	10
03:06:32	11	03:09:58	11
03:06:34	12	03:10:02	12
03:06:41	13	03:10:26	13
03:06:42	14	03:10:41	14
03:06:52	15	03:10:47	15
03:06:53	16	03:10:48	16
03:07:00	17	03:10:51	17
03:07:02	18	03:10:53	18
03:07:06	19	03:10:56	19
03:07:09	20	03:10:56	20
03:07:15	21	03:10:59	21
03:07:34	22	03:11:02	22
03:07:35	23	03:11:10	23
03:07:37	24	03:11:14	24
03:07:40	25	03:11:32	25
Page 163		Page 165	
03:07:41	1	03:12:24	1
03:07:42	2	03:12:31	2
03:07:48	3	03:12:36	3
03:08:00	4	03:12:38	4
03:08:03	5	03:12:42	5
03:08:06	6	03:12:45	6
03:08:11	7	03:12:47	7
03:08:11	8	03:12:48	8
03:08:17	9	03:12:49	9
03:08:25	10	03:12:57	10
03:08:26	11	03:13:01	11
03:08:30	12	03:13:01	12
03:08:32	13	03:13:08	13
03:08:34	14	03:13:09	14
03:08:41	15	03:13:16	15
03:08:44	16	03:13:18	16
03:08:47	17	03:13:18	17
03:08:49	18	03:13:23	18
03:08:54	19	03:13:25	19
03:08:56	20	03:13:27	20
03:09:01	21	03:13:28	21
03:09:05	22	03:13:33	22
03:09:07	23	03:13:38	23
03:09:09	24	03:13:41	24
03:09:10	25	03:13:44	25

Page 166		Page 168	
03:13:46	1 met with the leaders of the Mormon Church about	03:17:19	1 central to the Creator's plan for his children?
03:13:50	2 Proposition 8?	03:17:24	2 A. I don't recall that.
03:13:53	3 MS. MOSS: If this is -- if this is something that	03:17:26	3 Q. Do you recall that the letter that -- do you
03:13:57	4 you did that's public, you can answer. If -- if it's	03:17:30	4 recall that the Mormon Church wrote a letter to its
03:14:02	5 not, then I would direct you not to answer the question.	03:17:34	5 constituency asking members of the church to do all they
03:14:07	6 THE WITNESS: I think it's public so I'll say.	03:17:39	6 can to support the amendment?
03:14:12	7 Yes, we did meet with some of the leadership.	03:17:43	7 MS. MOSS: Objection. Lack of foundation. If you
03:14:16	8 MS. STEWART: Q And did the leader invite you to	03:17:44	8 know, you can answer.
03:14:18	9 come and speak to them about Proposition 8, the leader	03:17:47	9 THE WITNESS: I -- I was never privy to the letter.
03:14:21	10 of the Mormon Church?	03:17:52	10 MS. STEWART: I'm going to ask you to look at a
03:14:25	11 A. Yes.	03:17:53	11 document that we will mark Exhibit 13.
03:14:26	12 Q. And what was the purpose of your meeting with	03:17:58	12 (Whereupon, Exhibit No. 13 was
03:14:33	13 them?	03:18:10	13 Marked for identification.)
03:14:35	14 A. This was -- this was prior to their	03:18:54	14 MS. STEWART: Q First of all, can you tell me what
03:14:41	15 endorsement and to answer questions.	03:18:56	15 this document is?
03:14:50	16 Q. And was this prior to the Proposition 8	03:19:06	16 A. I can't -- I can't verify that it's accurate,
03:15:05	17 qualifying for the ballot?	03:19:12	17 but I can verify that it appears to be a printout of an
03:15:08	18 A. No.	03:19:16	18 E-mail.
03:15:13	19 Q. Did the -- well, when was it?	03:19:17	19 Q. An E-mail sent out by ProtectMarriage.com?
03:15:22	20 A. I don't know the date.	03:19:23	20 A. Yes.
03:15:22	21 Q. But it was, in any event --	03:19:24	21 Q. And you see that the subject line says
03:15:25	22 A. Yes.	03:19:27	22 "Protect marriage newsletter"?
03:15:25	23 Q. -- after the ballot measure had qualified?	03:19:30	23 A. Yes.
03:15:29	24 And have you described the Mormon Church	03:19:31	24 Q. Did ProtectMarriage.com send out newsletters
03:15:36	25 involvement in the campaign as them being the foot	03:19:36	25 in this form on a periodic basis as part of the
Page 167		Page 169	
03:15:43	1 soldiers?	03:19:40	1 Proposition 8 campaign?
03:15:47	2 A. I don't know that I've publicly described them	03:19:46	2 A. Yes.
03:15:49	3 that way.	03:19:47	3 Q. And is that the form that the newsletters
03:15:52	4 Q. Were they the foot soldiers for the campaign?	03:19:52	4 typically took? Did they look like this in, sort of,
03:15:56	5 MS. MOSS: I'm going to object both to the form of	03:19:55	5 look and feel?
03:15:57	6 the question and to the extent it's calling for him to	03:20:03	6 A. I -- I don't recall.
03:16:02	7 comment on something he said that is potentially not	03:20:05	7 Q. Do you see the language on the second page
03:16:06	8 public.	03:20:08	8 under the heading "LDS Church Takes Active Role in
03:16:11	9 MS. STEWART: Q Did the Mormon Church take an	03:20:14	9 Supporting Prop 8"?
03:16:15	10 official stand on Proposition 8?	03:20:16	10 A. Yes.
03:16:19	11 A. Yes.	03:20:16	11 Q. Is that heading accurate? Do you know that
03:16:20	12 Q. And was their official stand communicated to	03:20:18	12 the LDS Church took an active role in supporting Prop 8?
03:16:26	13 their church leaders worldwide and particularly in	03:20:24	13 A. I would have phrased it differently.
03:16:30	14 California?	03:20:31	14 Q. How would you have phrased it?
03:16:32	15 MS. MOSS: Objection. Lack of foundation. If you	03:20:36	15 A. I probably would have -- based on my
03:16:34	16 know, you can answer.	03:20:40	16 understanding of the decision by the leadership of the
03:16:41	17 THE WITNESS: In California.	03:20:46	17 LDS Church, I would have stated that they endorsed
03:16:44	18 MS. STEWART: Q You know that it was disseminated	03:20:52	18 Proposition 8.
03:16:48	19 in California?	03:20:54	19 Q. And isn't it true, Mr. Prentice, that the LDS,
03:16:48	20 A. Yes.	03:20:59	20 the Church of Jesus Christ of the Latter-Day Saints, got
03:16:55	21 Q. Do you recall that the church leadership wrote	03:21:06	21 involved in Proposition 22?
03:17:06	22 that the church's teachings and position on this moral	03:21:13	22 MS. MOSS: Objection. Lack of foundation. If you
03:17:10	23 issue are unequivocal. Marriage is between a man and a	03:21:15	23 know, you can respond.
03:17:15	24 woman -- I'm sorry -- marriage between a man and a woman	03:21:15	24 THE WITNESS: I believe that's public knowledge.
03:17:18	25 is ordained of God. And the formation of families is	03:21:18	25 MS. STEWART: Q And isn't it true that they were

Page 170		Page 172	
03:21:18	1 also --	03:23:46	1 connection with Proposition 8 that the LDS were
03:21:17	2 A. I should back up.	03:23:50	2 significant in the battle both in terms of finances and
03:21:19	3 When you say "the LDS Church," you're	03:23:53	3 foot soldiers?
03:21:21	4 referring to -- tell me, if you would, how you're	03:23:56	4 MS. MOSS: Object to the extent there's a lack of
03:21:27	5 referring to it?	03:23:58	5 foundation. And he's already testified he doesn't know
03:21:29	6 Q. The church and its members got involved in	03:24:03	6 the particular religious faith of the donors. If you
03:21:32	7 Proposition 22; isn't that correct?	03:24:12	7 think of more, you can add to it.
03:21:36	8 A. I believe that the church endorsed it and its	03:24:15	8 THE WITNESS: I really don't.
03:21:43	9 members got involved.	03:24:17	9 MS. STEWART: Q You don't know?
03:21:44	10 Q. And they were significant in the	03:24:18	10 A. I don't have anything more to add other than
03:21:47	11 Proposition 22 battle; is that correct?	03:24:20	11 what I've already stated.
03:21:50	12 MS. MOSS: Objection to the term "significant." If	03:24:21	12 Q. But you didn't answer my question. Either you
03:21:54	13 you understand it, you can answer.	03:24:23	13 know or don't know. It's a "yes" or "no" question.
03:22:02	14 THE WITNESS: Define "significant," if you would.	03:24:26	14 Isn't it true that in Proposition 8, the LDS
03:22:04	15 MS. STEWART: Q Do you know what the word	03:24:30	15 were significant in the battle both in finances and foot
03:22:05	16 "significant" means?	03:24:35	16 solders?
03:22:07	17 A. Depending upon the context, certainly. What	03:24:35	17 A. I continue to take issue with the vague
03:22:10	18 is your context?	03:24:38	18 generalization of the LDS. I have attempted to
03:22:12	19 Q. I am saying they played a significant role, an	03:24:41	19 stipulate that the LDS leadership has endorsed it. And
03:22:16	20 important role.	03:24:45	20 Mormons in California were active in participation in
03:22:17	21 A. Important role? Yes.	03:24:49	21 giving.
03:22:19	22 Q. And did they play a significant role in	03:24:49	22 Q. And so they both the church and its member
03:22:24	23 Proposition 8?	03:24:53	23 collectively both gave money and time; is that true?
03:22:27	24 MS. MOSS: Same objection to the form of the	03:25:02	24 MS. MOSS: Objection. I think the fact on what
03:22:29	25 question.	03:25:06	25 they gave I think was an in-kind contribution --
Page 171		Page 173	
03:22:32	1 THE WITNESS: Members of the LDS Church played an	03:25:10	1 MS. STEWART: The church gave.
03:22:35	2 important role.	03:25:11	2 MS. MOSS: That the church gave.
03:22:36	3 MS. STEWART: Q And they did so both in terms of	03:25:13	3 MS. STEWART: Q Did the church members, to your
03:22:38	4 money; correct? They did so in terms of money?	03:25:14	4 knowledge, donate significant amounts of money to the
03:22:42	5 MS. MOSS: Objection. Lack of foundation.	03:25:18	5 Proposition 8 campaign?
03:22:48	6 THE WITNESS: I don't -- I don't know the degree to	03:25:20	6 A. To my knowledge, yes.
03:22:49	7 which donations are public, specific to any particular	03:25:22	7 Q. And significant amounts of money?
03:22:57	8 religious denomination.	03:25:24	8 MS. MOSS: I'm going to --
03:23:00	9 MS. STEWART: Q Do you recall saying at The Church	03:25:26	9 THE WITNESS: I don't know the percentage.
03:23:02	10 on the Hill event that the LDS got involved in Prop 22,	03:25:54	10 MS. STEWART: Q I'm going to ask you to take a
03:23:07	11 and they were significant in the battle both in finances	03:25:55	11 look at the paragraph under the heading "LDS Church
03:23:10	12 and foot soldiers?	03:25:59	12 Takes Active Role in Supporting Prop 8."
03:23:11	13 A. No.	03:26:04	13 First of all, I want to go back. You said
03:23:12	14 Q. Do you believe that to be true that they were	03:26:06	14 that you would have worded it differently when I asked
03:23:14	15 significant in the battle both in finances and foot	03:26:08	15 you about the heading itself.
03:23:18	16 solders?	03:26:10	16 A. Uh-huh.
03:23:19	17 A. Of Prop 22?	03:26:11	17 Q. But my question is do you disagree with the
03:23:20	18 Q. Yes.	03:26:13	18 statement that the LDS Church took an active role in
03:23:21	19 MS. MOSS: Object to the form of the question to	03:26:18	19 supporting Proposition 8?
03:23:22	20 the term "foot soldiers" being undefined. But if you	03:26:25	20 A. The reason that I take issue with this title
03:23:27	21 understand, you can answer.	03:26:29	21 is because it lumps two groups together: One of
03:23:28	22 THE WITNESS: To -- as I would define "foot	03:26:35	22 leadership and one of grassroots Californians.
03:23:36	23 soldiers" being people who would be willing to be active	03:26:39	23 Q. But this is a ProtectMarriage.com
03:23:40	24 in the cause, yes.	03:26:42	24 communication; correct?
03:23:41	25 MS. STEWART: Q And wasn't it equally true in	03:26:43	25 A. Correct.

Page 174		Page 176	
03:26:43	1	03:29:51	1
03:26:49	2	03:29:57	2
03:26:52	3	03:29:59	3
03:26:59	4	03:30:07	4
03:27:00	5	03:30:11	5
03:27:05	6	03:30:14	6
03:27:11	7	03:30:17	7
03:27:13	8	03:30:20	8
03:27:17	9	03:30:21	9
03:27:22	10	03:30:23	10
03:27:28	11	03:30:26	11
03:27:30	12	03:30:32	12
03:27:33	13	03:30:38	13
03:27:35	14	03:30:47	14
03:27:38	15	03:30:50	15
03:27:39	16	03:31:03	16
03:27:51	17	03:31:04	17
03:27:53	18	03:31:08	18
03:28:02	19	03:31:20	19
03:28:04	20	03:31:32	20
03:28:05	21	03:31:43	21
03:28:05	22	03:31:46	22
03:28:08	23	03:31:56	23
03:28:14	24	03:31:58	24
03:28:20	25	03:32:01	25
Page 175		Page 177	
03:28:23	1	03:32:05	1
03:28:29	2	03:32:08	2
03:28:33	3	03:32:11	3
03:28:35	4	03:32:13	4
03:28:35	5	03:32:13	5
03:28:39	6	03:32:15	6
03:28:45	7	03:32:16	7
03:28:48	8	03:32:21	8
03:28:51	9	03:32:25	9
03:28:53	10	03:32:27	10
03:28:54	11	03:32:28	11
03:28:54	12	03:32:34	12
03:29:04	13	03:32:38	13
03:29:06	14	03:32:41	14
03:29:06	15	03:32:43	15
03:29:09	16	03:32:48	16
03:29:11	17	03:32:49	17
03:29:17	18	03:32:50	18
03:29:19	19	03:32:52	19
03:29:29	20	03:32:56	20
03:29:29	21	03:32:58	21
03:29:31	22	03:32:58	22
03:29:38	23	03:33:00	23
03:29:41	24	03:33:02	24
03:29:45	25	03:33:05	25

EXHIBIT C

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

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Page 102		Page 104	
11:49:48	1 second page under the heading "IProtectMarriage.com	11:53:02	1 MS. MOSS: Did you work with them, and I think
11:49:55	2 targets the youth vote, the facts about the Prop 8	11:53:05	2 whether, you know, he's already explained that he's got
11:49:59	3 campaign."	11:53:09	3 some confusion over what in conjunction with means and
11:50:00	4 Do you see that.	11:53:13	4 now you're asking did they work together. So I think
11:50:01	5 A. Yes.	11:53:15	5 you're getting at how did they original themselves.
11:50:01	6 Q. And it says in the first paragraph under that	11:53:18	6 I don't know what they did or didn't do, but I
11:50:04	7 heading "In conjunction with the Pastors Rapid Response	11:53:20	7 think if they had a private non-public relationship,
11:50:08	8 Network, we recently launched a website targeting the	11:53:26	8 then he does not have to acknowledge that. But there
11:50:11	9 youth vote in California. At the IProtectMarriage.com	11:53:31	9 may be something public.
11:50:16	10 website young people in California can learn about the	11:53:33	10 THE WITNESS: Well, I would -- I would -- it's not
11:50:19	11 important issues involved in Proposition 8 and can sign	11:53:38	11 a simple "yes" or "no". The actual answer is when you
11:50:20	12 up to help."	11:53:42	12 phrase it did we work with, we were invited by
11:50:21	13 Do you see that language?	11:53:46	13 Jim Garlow, one or another a member of the executive
11:50:22	14 A. Yes.	11:53:53	14 committee or Shubert and Flint to give updates to this
11:50:23	15 Q. Is it true that in conjunction with the	11:54:00	15 network that Jim Garlow created and oftentimes did so
11:50:26	16 Pastors Rapid Response Network, the ProtectMarriage.com	11:54:03	16 (indicating).
11:50:34	17 launched the website known as IProtectMarriage.com?	11:54:05	17 MS. STEWART: Q When you say this network, you
11:50:42	18 A. To the degree that it states it here, I would	11:54:05	18 mean the Pastors Rapid Response Team?
11:50:44	19 say it appears to be true. It was -- it wasn't under my	11:54:10	19 A. Rapid Response Network is what he called it.
11:50:51	20 primary supervision.	11:54:13	20 Q. Got it.
11:50:53	21 Q. But do you dispute the accuracy of that	11:54:15	21 And you were invited by them to give updates
11:50:58	22 statement?	11:54:19	22 about the campaign itself?
11:51:03	23 A. Well, I guess the accuracy would hinge on the	11:54:22	23 A. Yes.
11:51:06	24 term "conjunction." There -- the Pastors Rapid Response	11:54:23	24 Q. And did they keep the executive committee or
11:51:13	25 Network acted for the passage of Prop 8. And whether	11:54:29	25 yourself appraised of their efforts in connection with
Page 103		Page 105	
11:51:21	1 they or IProtectMarriage.com really sought approval from	11:54:35	1 passing Proposition 8?
11:51:27	2 the executive committee, it would not necessarily always	11:54:46	2 A. Yes, to some degree.
11:51:36	3 be accurate.	11:55:51	3 MS. STEWART: I'm going to ask you to look at a
11:51:38	4 Q. So what's the Pastors Rapid Response Network?	11:55:52	4 document that we'll mark as Exhibit 5.
11:51:42	5 A. The Pastors Rapid Response Network was an	11:56:08	5 (Whereupon, Exhibit No. 5 was marked for
11:51:47	6 informal entity started by Pastor Jim Garlow in	11:56:08	6 identification.)
11:51:53	7 San Diego.	11:56:16	7 MS. STEWART: Q Have you ever seen this document
11:51:58	8 Q. And when was that entity created?	11:56:18	8 before?
11:52:01	9 A. Well, again, it's informal, so I'm not aware	11:56:19	9 A. No.
11:52:05	10 that it is -- it has any standing. But I don't know	11:56:21	10 Q. Have you heard of something called "The
11:52:11	11 when it was created in Jim Garlow's head.	11:56:25	11 Pastors Rapid Response Team?
11:52:15	12 Q. Who else is on it, as far as you know?	11:56:28	12 A. Yes.
11:52:21	13 A. Jim Garlow leads it. That's all I know.	11:56:29	13 Q. And I think earlier we saw a document that
11:52:24	14 Q. Is Miles McPherson involved in it?	11:56:33	14 referred to the Pastors Rapid Response Network.
11:52:27	15 A. I don't -- I don't know and I don't believe	11:56:37	15 Is it your understanding that that's the same
11:52:30	16 so.	11:56:39	16 group or entity?
11:52:31	17 Q. And did ProtectMarriage.com work with the	11:56:40	17 A. That's my understanding, yes.
11:52:37	18 pastors rapid response network on any efforts that	11:56:42	18 Q. And does this document -- I recognize that you
11:52:43	19 related to the passage of Proposition 8?	11:56:45	19 haven't seen it before, but does looking at it refresh
11:52:46	20 MS. MOSS: To the extent that -- I don't know if	11:56:50	20 your recollection in any way as to who was part of the
11:52:50	21 you did or not. But the instruction is going to be to	11:56:57	21 pastors rapid response Team?
11:52:52	22 the extent you did, if it's public, you can respond. If	11:57:02	22 A. It doesn't refresh my recollection because I
11:52:55	23 it's private, I'm going to instruct you not to answer.	11:57:05	23 was never aware that there was a true team.
11:52:58	24 MS. STEWART: Well, Nikki, it's a "yes" or "no"	11:57:11	24 Q. Well, you knew there was some sort of informal
11:53:00	25 question.	11:57:17	25 entity, I think Is What you called it; correct?

Page 106		Page 108	
11:57:20	1 A. Uh-huh.	12:00:32	1 communicate with voters by conference calls?
11:57:20	2 Q. Does it refresh your recollection as to who	12:00:45	2 A. There may have been -- there -- there were
11:57:22	3 was a part of that informal entity?	12:00:50	3 fundraising calls, if that's what you mean. That's the
11:57:26	4 A. The only person that I knew was a part of it	12:00:54	4 only thing that comes to mind where major donors or
11:57:30	5 was Jim Garlow.	12:01:00	5 potential major donors were brought together for
11:57:32	6 Q. You did know, did you not that Miles McPherson	12:01:02	6 conference calls.
11:57:36	7 created or had created for him or for his under his	12:01:03	7 Q. Were there conference calls with pastors?
11:57:46	8 supervision the IProtectMarriage.com website?	12:01:08	8 A. That were sponsored directly by the campaign?
11:57:50	9 A. Yes.	12:01:13	9 Q. Well, let's start there, yeah.
11:58:10	10 Q. I'm going to go back.	12:01:18	10 A. The only conference calls I'm familiar with
11:58:12	11 We were talking earlier about how the campaign	12:01:20	11 pastors came through Jim Garlow and his Pastors Rapid
11:58:17	12 communicated with actual and potential voters.	12:01:29	12 Response Team.
11:58:21	13 Do you recall that discussion?	12:01:31	13 Q. And when you say "came through," explain what
11:58:22	14 A. Yes.	12:01:35	14 you mean by that.
11:58:23	15 Q. And we went through a number of ways, and I	12:01:36	15 A. Created, developed and implemented through
11:58:25	16 want to circle back because I'm not sure if we covered	12:01:38	16 him.
11:58:29	17 them all.	12:01:38	17 Q. So there were conference calls that
11:58:30	18 So you mentioned as ways that the campaign	12:01:41	18 Pastor Garlow -- he's a pastor; correct?
11:58:33	19 communicated with voters or potential voters -- and can	12:01:43	19 A. Correct.
11:58:38	20 I just for shorthand say "voters" to mean potential	12:01:44	20 Q. -- organized --
11:58:43	21 voters as well.	12:01:47	21 A. Correct.
11:58:44	22 A. Yes.	12:01:47	22 Q. -- through the Pastors Rapid Response Team?
11:58:45	23 Q. Would that be acceptable do you understand	12:01:54	23 And were you part of those conference calls?
11:58:46	24 that?	12:01:56	24 A. Some. I was invited to participate in some.
11:58:47	25 A. Uh-huh.	12:02:05	25 Q. Were other members of the executive committee
Page 107		Page 109	
11:58:47	1 Q. You have to answer audibly.	12:02:08	1 participants in those conference calls?
11:58:49	2 A. Yes. Sorry.	12:02:15	2 A. Let's see. I'm -- I don't know for sure.
11:58:51	3 Q. So in communicating with voters the campaign	12:02:22	3 Q. Were Shubert and Flint participants in those
11:58:56	4 used T.V. ads. You said radio ads, E-mail blasts,	12:02:28	4 conference calls?
11:59:00	5 direct mail rallies, town hall meetings, a primary	12:02:28	5 A. They were invited to participate in some as
11:59:08	6 website and you mentioned two other websites	12:02:31	6 well.
11:59:12	7 IProtectMarriage.com and ProtectMarriage.com and that's	12:02:31	7 Q. Were any of your other -- when I say you, I
11:59:18	8 where I got diverted.	12:02:35	8 mean ProtectMarriage.com -- consultants involved in
11:59:21	9 So I want to ask: Are there other ways	12:02:38	9 those conference calls?
11:59:23	10 besides those that the campaign communicated with	12:02:42	10 A. I believe one conference call. Gary Lawrence
11:59:27	11 voters?	12:02:45	11 from Lawrence Research was invited to participate.
11:59:28	12 A. Yes. As you state that, I'm reminded of door	12:02:52	12 Q. And any other ProtectMarriage.com consultants
11:59:32	13 hangers. And I'm reminded of brochures that were	12:02:56	13 that you recall were -- who were involved in those
11:59:36	14 distributed, and I'm reminded of yard signs and bumper	12:02:59	14 conference calls?
11:59:42	15 stickers.	12:03:00	15 A. I vaguely recall and could be inaccurate in
11:59:50	16 Q. How about press releases?	12:03:05	16 whether Steve Linder was -- participated in one.
11:59:51	17 A. Yes.	12:03:09	17 Q. Okay. And is that it?
11:59:54	18 Q. And how about press events --	12:03:12	18 A. To my knowledge.
11:59:58	19 A. Yes.	12:03:15	19 Q. Were there -- we talked about the simulcasts.
11:59:58	20 Q. -- press conferences that sort of thing?	12:03:25	20 Can you tell me about the simulcasts. And
12:00:00	21 A. Yes.	12:03:28	21 I've seen reference to something called simulcasts, and
12:00:03	22 Q. And did the campaign provide articles or other	12:03:32	22 I'm not sure I fully understand what the term means. So
12:00:10	23 content for websites besides its own?	12:03:35	23 can we start there.
12:00:22	24 A. Not to my knowledge, no.	12:03:38	24 Do you know what simulcast means, can you
12:00:28	25 Q. Were there conference calls? Did you	12:03:40	25 explain it to me?

Page 110		Page 112	
12:03:42	1 A. A simulcast is where an event takes place in	12:06:21	1 Q. And McPherson's church you said was The Rock
12:03:46	2 one facility and the event is broadcast into other	12:06:25	2 Church?
12:03:53	3 facilities.	12:06:26	3 A. Correct.
12:03:55	4 Q. At the same time?	12:06:26	4 Q. And where is that?
12:03:55	5 A. Yes.	12:06:28	5 A. Point Loma-San Diego.
12:03:56	6 Q. Hence the simul part of simulcast?	12:06:31	6 Q. Thank-you. I'm bad with Southern California.
12:04:00	7 A. Yeah.	12:06:37	7 So the Pastors Rapid Response Team put them
12:04:01	8 Q. So you mentioned earlier that there were	12:06:46	8 on.
12:04:04	9 simulcasts done in the effort to pass Prop 8.	12:06:47	9 Were they sponsored by ProtectMarriage.com?
12:04:14	10 Can you describe those events, those simulcast	12:06:50	10 A. You need to tell me what you mean by
12:04:18	11 events.	12:06:51	11 "sponsored."
12:04:19	12 A. Those were put on by Pastors Rapid Response	12:06:54	12 Q. Did ProtectMarriage.com promote them in any
12:04:24	13 Team, and were oriented towards pastors and churches.	12:07:00	13 way?
12:04:34	14 Q. And how many were there?	12:07:10	14 A. I'm not -- I'm not remembering a time. I
12:04:40	15 A. I believe there were three.	12:07:14	15 would imagine we may have -- we may have communicated
12:04:47	16 Q. And did you participate in any way in those	12:07:18	16 that they took place or that they were going to take
12:04:55	17 simulcasts?	12:07:21	17 place. But it wasn't a major part of our communication.
12:04:56	18 A. No.	12:07:27	18 Q. Did ProtectMarriage.com provide funding for
12:04:57	19 Q. Were you present at the -- were they held in	12:07:31	19 them?
12:05:02	20 churches?	12:07:31	20 A. Yes.
12:05:05	21 MS. MOSS: Let me just interject. Obviously, you	12:07:34	21 Q. What level of funding, if you recall, did
12:05:07	22 can only answer what you know, and you can answer that.	12:07:38	22 ProtectMarriage.com provide for the simulcasts?
12:05:09	23 I just want to for the record note a lack of foundation	12:07:43	23 A. We provided for the total funding of the
12:05:12	24 to the extent that he said he didn't.	12:07:46	24 simulcast.
12:05:15	25 MS. STEWART: He can say if he doesn't know --	12:07:54	25 MS. STEWART: I'm going to suggest we take a lunch
Page 111		Page 113	
12:05:17	1 MS. MOSS: If he knows. I just want to preserve	12:07:56	1 break. Is this a good time for you guys?
12:05:19	2 the foundation objection.	12:07:59	2 MS. MOSS: Sure.
12:05:23	3 MS. STEWART: Preserve.	12:08:05	3 THE VIDEOGRAPHER: Off record at 12:07.
12:05:24	4 MS. MOSS: But you can answer.	12:08:07	4 (Lunch recess.)
12:05:25	5 THE WITNESS: I believe Pastor Garlow's church was	12:08:07	5 (Ms. Piepmeier is absent.)
12:05:28	6 the facility where -- actually, no, I'm wrong.	01:19:03	6 THE VIDEOGRAPHER: The time is 1:18, and we're back
12:05:32	7 At least one was held at The Rock Church,	01:19:05	7 on the record.
12:05:36	8 Miles McPherson's church. I believe two were held at	01:19:08	8 MS. STEWART: Q Mr. Prentice, do you understand
12:05:39	9 Pastor Garlow's church. And then they were broadcast	01:19:10	9 that you're still under oath?
12:05:43	10 into other churches.	01:19:12	10 A. Yes.
12:05:45	11 MS. STEWART: Q And did you observe them while	01:19:12	11 Q. And that when we take breaks in the
12:05:48	12 they -- well, first of all, were you at the churches	01:19:15	12 deposition, it doesn't mean the oath goes away.
12:05:51	13 when they were being held?	01:19:19	13 You understand that; right?
12:05:52	14 A. No.	01:19:20	14 A. Yes.
12:05:52	15 Q. Did you watch the simulcasts?	01:19:24	15 Q. Did the executive committee for
12:05:56	16 A. No.	01:19:36	16 ProtectMarriage.com have responsibility to coordinate
12:05:56	17 Q. Did you watch them ever after they were held?	01:19:43	17 with the organizations, churches and individuals that
12:05:59	18 A. One portion of one.	01:19:47	18 made up the ProtectMarriage coalition?
12:06:02	19 Q. And Pastor Garlow's church, which church is	01:19:54	19 A. By referring to executive committee of
12:06:06	20 that?	01:19:57	20 ProtectMarriage.com, you're referring to the committee
12:06:07	21 A. Skyline Westling Church.	01:20:00	21 that was formed for the campaign of '08?
12:06:13	22 Q. And where is it located?	01:20:04	22 Q. Yes.
12:06:16	23 A. El Cajon, California.	01:20:04	23 A. Did we have responsibility to communicate
12:06:18	24 Q. Is that near San Diego?	01:20:06	24 with --
12:06:19	25 A. San Diego, eastern San Diego.	01:20:07	25 Q. Right.

Page 138		Page 140	
02:23:21	1	02:27:02	1
02:23:23	2	02:27:05	2
02:23:29	3	02:27:13	3
02:23:33	4	02:27:14	4
02:23:38	5	02:27:17	5
02:23:40	6	02:27:18	6
02:23:43	7	02:27:22	7
02:23:46	8	02:27:24	8
02:23:53	9	02:27:26	9
02:23:56	10	02:27:32	10
02:23:59	11	02:27:32	11
02:24:00	12	02:27:38	12
02:24:00	13	02:27:41	13
02:24:04	14	02:27:45	14
02:24:09	15	02:27:48	15
02:24:13	16	02:27:53	16
02:24:19	17	02:28:01	17
02:24:24	18	02:28:08	18
02:24:28	19	02:28:13	19
02:24:34	20	02:28:13	20
02:25:00	21	02:28:15	21
02:25:05	22	02:28:20	22
02:25:06	23	02:28:22	23
02:25:12	24	02:28:25	24
02:25:14	25	02:28:28	25
Page 139		Page 141	
02:25:16	1	02:28:32	1
02:25:19	2	02:28:32	2
02:25:20	3	02:28:33	3
02:25:41	4	02:28:34	4
02:25:44	5	02:28:35	5
02:25:50	6	02:28:37	6
02:25:59	7	02:28:38	7
02:26:01	8	02:28:41	8
02:26:04	9	02:28:42	9
02:26:09	10	02:28:45	10
02:26:10	11	02:28:46	11
02:26:12	12	02:28:55	12
02:26:15	13	02:28:58	13
02:26:19	14	02:29:02	14
02:26:22	15	02:29:05	15
02:26:26	16	02:29:07	16
02:26:29	17	02:29:09	17
02:26:30	18	02:29:13	18
02:26:31	19	02:29:16	19
02:26:36	20	02:29:19	20
02:26:41	21	02:29:21	21
02:26:43	22	02:29:27	22
02:26:44	23	02:29:29	23
02:26:49	24	02:29:33	24
02:27:00	25	02:29:33	25

Page 142			Page 144		
02:29:34	1	A. I don't believe so.	02:32:52	1	Q. And who ho organized that event?
02:29:36	2	Q. And do you remember who organized the	02:32:55	2	A. A gentleman out of Kansas City.
02:29:38	3	webinars -- you said it was the PRRT?	02:32:58	3	Q. What was his name?
02:29:46	4	A. Yes.	02:32:59	4	A. Lou Engle.
02:29:49	5	Q. And in each instance in which you	02:33:04	5	Q. Did he -- did you know that event was being
02:29:53	6	participated, you provided an update about -- about	02:33:11	6	planned at the time it was being planned?
02:29:57	7	what?	02:33:14	7	A. Yes.
02:29:59	8	A. Oh, whatever I was requested to give an update	02:33:15	8	Q. Did ProtectMarriage.com have any involvement
02:30:04	9	on. It was typically it varied depending upon the	02:33:19	9	whatsoever in "The Call"?
02:30:12	10	webinar.	02:33:22	10	MS. MOSS: To the extent their involvement was
02:30:12	11	Q. And did -- do you know who the audience, if	02:33:24	11	public -- I don't know if they had any involvement --
02:30:16	12	you will, was for those webinars?	02:33:26	12	but if they did and it was public, you can respond. If
02:30:24	13	A. The audience was -- yeah, I would say	02:33:30	13	not, I would direct you not to answer.
02:30:31	14	religious workers.	02:33:33	14	THE WITNESS: I'm not aware of any public.
02:30:36	15	Q. And when you say "workers," what do you mean?	02:33:36	15	MS. STEWART: Q Did you go to "The Call"?
02:30:38	16	A. It could be lay people. It could be pastors,	02:33:38	16	A. Yes.
02:30:42	17	priests, rabbis.	02:33:39	17	Q. Did you speak at "The Call"?
02:30:44	18	Q. Do you have any idea how many people were --	02:33:40	18	A. No.
02:30:49	19	do you have any idea of the audience size for those	02:33:44	19	Q. Was "The Call." kind of a modeled after
02:30:53	20	webinars?	02:33:50	20	old-fashioned revival events? Do you know what I'm
02:30:54	21	A. No.	02:33:54	21	talking about?
02:30:56	22	Q. Were the webinars separate from the conference	02:33:55	22	MS. MOSS: Objection. Lack of foundation. If you
02:30:58	23	calls that we talked about earlier?	02:33:57	23	know.
02:31:02	24	A. Remind me of the conference calls.	02:33:59	24	THE WITNESS: I didn't attend any old-fashioned
02:31:04	25	Q. I believe you indicated that there were some	02:34:01	25	revival events so....
Page 143			Page 145		
02:31:11	1	conference calls that Pastor Garlow and the PRRT invited	02:34:04	1	MS. STEWART: Q Me neither. I think I read that
02:31:17	2	you to participate in.	02:34:06	2	somewhere about it.
02:31:19	3	A. They were the same.	02:34:11	3	Can you describe what it was like?
02:31:20	4	Q. They were the same. Okay.	02:34:15	4	A. A lot of people in the stands and a lot of
02:31:22	5	So the webinars involve both being online and	02:34:17	5	people on the stage and a lot of people praying.
02:31:28	6	watching something and then hearing something on the	02:34:22	6	Q. And whether were the speakers if you remember?
02:31:32	7	telephone at the same time.	02:34:26	7	A. I remember two: Lou Engle and Jim Garlow.
02:31:37	8	A. Yes.	02:34:30	8	Q. Do you remember an ex-gay, I think that's how
02:31:40	9	Q. Or is it you're hearing it via your computer?	02:34:35	9	she was billed, speaking at that event?
02:31:45	10	A. Both.	02:34:38	10	A. No.
02:31:45	11	Q. As you can see, I'm technologically	02:34:40	11	Q. Do you remember a number of people who claimed
02:31:48	12	challenged.	02:34:42	12	to have once been but ceased to be gay speaking at that
02:31:50	13	Were there -- you mentioned the simulcasts. And I	02:34:53	13	event?
02:31:58	14	think you told me earlier that they were oriented	02:34:53	14	A. No.
02:32:05	15	towards pastors and churches.	02:34:56	15	Q. Did a part of the way the campaign
02:32:06	16	Do I have that right?	02:35:02	16	communicated involve door-to-door precinct walking?
02:32:09	17	A. To the best of my knowledge, yes.	02:35:07	17	A. Yes.
02:32:11	18	Q. Were there other events during the campaign	02:35:08	18	Q. Did another part of it involve phone banking?
02:32:15	19	that were designed to attract or appeal to the religious	02:35:14	19	A. But I need to back up and say that when you
02:32:23	20	faithful, the faith community?	02:35:20	20	refer to the campaign, I'm understanding this as the
02:32:30	21	A. No.	02:35:22	21	broad-based loose number of people who are doing a great
02:32:32	22	Q. Do you remember an event called "The Call"?	02:35:28	22	degree of this on their own.
02:32:35	23	A. Yes.	02:35:30	23	Q. Fair enough?
02:32:36	24	Q. Can you tell me what that was?	02:35:30	24	A. We understand that.
02:32:42	25	A. That was a prayer event.	02:35:31	25	Q. We do.

Page 174		Page 176	
03:26:43	1	03:29:51	1
03:26:49	2	03:29:57	2
03:26:52	3	03:29:59	3
03:26:59	4	03:30:07	4
03:27:00	5	03:30:11	5
03:27:05	6	03:30:14	6
03:27:11	7	03:30:17	7
03:27:13	8	03:30:20	8
03:27:17	9	03:30:21	9
03:27:22	10	03:30:23	10
03:27:28	11	03:30:26	11
03:27:30	12	03:30:32	12
03:27:33	13	03:30:38	13
03:27:35	14	03:30:47	14
03:27:38	15	03:30:50	15
03:27:39	16	03:31:03	16
03:27:51	17	03:31:04	17
03:27:53	18	03:31:08	18
03:28:02	19	03:31:20	19
03:28:04	20	03:31:32	20
03:28:05	21	03:31:43	21
03:28:05	22	03:31:46	22
03:28:08	23	03:31:56	23
03:28:14	24	03:31:58	24
03:28:20	25	03:32:01	25
Page 175		Page 177	
03:28:23	1	03:32:05	1
03:28:29	2	03:32:08	2
03:28:33	3	03:32:11	3
03:28:35	4	03:32:13	4
03:28:35	5	03:32:13	5
03:28:39	6	03:32:15	6
03:28:45	7	03:32:16	7
03:28:48	8	03:32:21	8
03:28:51	9	03:32:25	9
03:28:53	10	03:32:27	10
03:28:54	11	03:32:28	11
03:28:54	12	03:32:34	12
03:29:04	13	03:32:38	13
03:29:06	14	03:32:41	14
03:29:06	15	03:32:43	15
03:29:09	16	03:32:48	16
03:29:11	17	03:32:49	17
03:29:17	18	03:32:50	18
03:29:19	19	03:32:52	19
03:29:29	20	03:32:56	20
03:29:29	21	03:32:58	21
03:29:31	22	03:32:58	22
03:29:38	23	03:33:00	23
03:29:41	24	03:33:02	24
03:29:45	25	03:33:05	25

Page 178		Page 180	
03:33:07	1	Q. So is your answer --	03:36:06 1 correct?
03:33:09	2	A. I would choose not to answer.	03:36:07 2 A. Yes.
03:33:11	3	Q. You don't know of any other people or groups	03:36:12 3 Q. Did Mr. Shubert and Flint inform you that they
03:33:18	4	who participated in a grassroots effort in a public way	03:36:25 4 were going to publish that article before they did so?
03:33:22	5	except for the pastors of the churches; is that fair?	03:36:28 5 A. No.
03:33:26	6	A. I don't know of any publicly communicated	03:36:30 6 Q. Did you have an objection to them publishing
03:33:35	7	effort that participated in the grassroots campaign.	03:36:34 7 it?
03:33:40	8	Q. Were the simulcasts a part of a grassroots	03:36:36 8 A. After the fact would I have --
03:33:44	9	campaign?	03:36:40 9 Q. Did you? Did you ever object?
03:33:49	10	A. I guess it would depend upon your definition	03:36:43 10 MS. MOSS: To the extent that it's asking for
03:33:52	11	of "grassroots."	03:36:46 11 internal communications that you had with Mr. Shubert or
03:33:53	12	Q. Well, have you used the phrase "grassroots" to	03:36:49 12 Mr. Flint or you know anybody else, I would instruct you
03:33:56	13	describe the success of the Yes on 8 campaign?	03:36:54 13 not to answer. If you publicly objected, then you can
03:34:00	14	A. I'm sure I have.	03:36:57 14 answer.
03:34:01	15	Q. And have you stated that that campaign was the	03:37:00 15 THE WITNESS: I would take your counsel.
03:34:07	16	largest grassroots effort in California ever?	03:37:03 16 MS. STEWART: Q And is it true -- are you saying
03:34:11	17	A. Yes.	03:37:07 17 that you didn't -- were not aware that they were going
03:34:12	18	Q. And so as you use that term, were the	03:37:09 18 to publish the article before they did?
03:34:18	19	simulcasts a part of an effort to create a grassroots	03:37:13 19 A. I believe I answered that.
03:34:26	20	campaign?	03:37:14 20 Q. And the answer is "yes"?
03:34:27	21	A. Were -- was it my understanding that the	03:37:16 21 A. Yes.
03:34:30	22	simulcasts were part of the grassroots campaign?	03:37:20 22 Q. Were you unhappy about them having published
03:34:33	23	Q. Yes.	03:37:23 23 it when you did find out about it?
03:34:33	24	A. Yes.	03:37:35 24 A. Yes.
03:34:34	25	Q. And Pastor Garlow as least was involved in the	03:37:35 25 Q. And did you express that in any way?
Page 179		Page 181	
03:34:40	1	simulcasts; correct?	03:37:40 1 MS. MOSS: The same instruction as earlier. If it
03:34:42	2	A. Yes.	03:37:42 2 was a public expression of your views, you can respond
03:34:43	3	Q. Two of them; right?	03:37:46 3 if it was done --
03:34:45	4	A. Yes.	03:37:47 4 THE WITNESS: It wasn't a public expression of my
03:34:46	5	Q. And Pastor Miles?	03:37:50 5 views.
03:34:51	6	A. McPherson.	03:37:51 6 MS. STEWART: Q And did Mr. Shubert and Flint
03:34:52	7	Q. McPherson was involved in the third simulcast;	03:37:55 7 speak at a conference of the American Political
03:34:56	8	correct?	03:38:01 8 Consultants Association or something along those lines
03:34:58	9	A. I believe so.	03:38:04 9 about Proposition 8 campaign, to your knowledge?
03:34:59	10	Q. Were there other faith leaders involved in the	03:38:08 10 A. I'm not aware of the specific events where
03:35:03	11	simulcasts?	03:38:13 11 they may have spoken about it.
03:35:06	12	A. Though I believe so, I can't name them.	03:38:16 12 Q. Did you hear that they received an award from
03:35:09	13	Q. Isn't it fair to say that a major part of the	03:38:22 13 an organization of Professional Political Consultants
03:35:14	14	Yes on 8 campaign was directed towards churches and	03:38:28 14 for their work on the Prop 8 campaign?
03:35:21	15	people who attended churches?	03:38:30 15 A. Yes.
03:35:29	16	MS. MOSS: If that is something that's been	03:38:30 16 Q. And did you become aware at some point of them
03:35:31	17	publicly stated or acknowledged, you can respond. If	03:38:33 17 speaking at a professional organization about a case
03:35:36	18	not, I'm going to direct you not to respond to that	03:38:44 18 study of the Yes on 8 campaign?
03:35:39	19	characterization of the strategy of the campaign.	03:38:48 19 A. No.
03:35:44	20	THE WITNESS: I'll take that counsel.	03:38:50 20 Q. So to this day, you're not aware of them
03:35:49	21	MS. STEWART: Q I think you testified earlier that	03:38:51 21 having had that -- having made that presentation?
03:35:51	22	you were aware of an article that Mr. Shubert and	03:38:56 22 A. Correct.
03:36:00	23	Mr. Flint wrote about the Yes on 8 campaign?	03:38:57 23 Q. Okay.
03:36:03	24	A. Yes.	03:38:58 24 After they published the article and you
03:36:04	25	Q. And you have seen and read that article;	03:39:01 25 learned about it, did you make any effort to prevent

Page 226		Page 228	
05:24:38	1	05:29:47	1
05:24:44	2	05:29:50	2
05:24:46	3	05:29:54	3
05:25:05	4	05:29:59	4
05:25:10	5	05:30:00	5
05:25:12	6	05:30:01	6
05:25:14	7	05:30:04	7
05:25:16	8	05:30:09	8
05:25:20	9	05:30:13	9
05:25:24	10	05:30:20	10
05:25:28	11	05:30:25	11
05:25:31	12	05:30:30	12
05:25:35	13	05:30:30	13
05:25:42	14	05:30:31	14
05:25:45	15	05:30:35	15
05:25:49	16	05:30:37	16
05:25:54	17	05:30:39	17
05:26:00	18	05:30:40	18
05:26:00	19	05:30:42	19
05:26:04	20	05:30:46	20
05:26:07	21	05:30:47	21
05:26:07	22	05:30:47	22
05:26:12	23	05:30:48	23
05:26:15	24	05:30:52	24
05:26:17	25	05:30:53	25
Page 227		Page 229	
05:26:20	1	05:30:53	1
05:26:23	2	05:30:59	2
05:26:26	3	05:31:02	3
05:26:28	4	05:31:02	4
05:26:41	5	05:31:05	5
05:26:43	6	05:31:05	6
05:26:45	7	05:31:15	7
05:26:45	8	05:31:20	8
05:26:48	9	05:31:23	9
05:26:49	10	05:31:25	10
05:26:50	11	05:31:27	11
05:26:53	12	05:31:29	12
05:26:57	13	05:31:33	13
05:27:10	14	05:31:42	14
05:27:32	15	05:31:50	15
05:27:54	16	05:31:54	16
05:27:55	17	05:31:59	17
05:28:10	18	05:32:00	18
05:28:10	19	05:32:00	19
05:28:13	20	05:32:03	20
05:28:51	21	05:32:05	21
05:29:18	22	05:32:11	22
05:29:21	23	05:32:16	23
05:29:23	24	05:32:18	24
05:29:26	25	05:32:26	25

Page 230		Page 232			
05:32:34	1	A. Not every time, no.	05:35:15	1	Proposition 8, to your knowledge?
05:32:35	2	Q. Sometimes you did and sometimes you did not?	05:35:18	2	MS. MOSS: Objection. Lack of foundation. You can
05:32:37	3	A. When you say "participate," there would --	05:35:19	3	answer.
05:32:39	4	again, I would speak for two to five minutes at any	05:35:21	4	THE WITNESS: He participated in this webinar,
05:32:42	5	time.	05:35:22	5	apparently.
05:32:43	6	Q. And did you listen to the other presentations	05:35:24	6	MS. STEWART: Q You're not aware of other activity
05:32:46	7	on any of those calls?	05:35:26	7	on his part --
05:32:49	8	A. Yes, I would say inconsistently.	05:35:28	8	A. No.
05:32:52	9	Q. And who's Jack Hibbs, by the way?	05:35:28	9	Q. -- to support Prop 8?
05:32:57	10	A. A pastor of a church.	05:35:31	10	A. No.
05:33:00	11	Q. In Chino Hills?	05:36:00	11	MS. STEWART: I'm going to ask you to take look at
05:33:02	12	A. Correct.	05:36:04	12	Exhibit 30.
05:33:02	13	Q. And who's Chuck LiMondri?	05:36:04	13	(Whereupon, Exhibit No. 30 was
05:33:06	14	A. An attorney.	05:36:22	14	Marked for identification.)
05:33:10	15	Q. And who is Maggie Gallagher?	05:36:47	15	THE WITNESS: Okay.
05:33:12	16	A. She's the president of NOM, National	05:36:48	16	MS. STEWART: Q Have you ever seen this document
05:33:16	17	Organization for Marriage.	05:36:50	17	before?
05:33:17	18	Q. And I think we talked about Jim Garlow	05:36:50	18	A. No.
05:33:20	19	earlier. And he heads up the Pastors Rapid Response	05:36:51	19	Q. It appears to be some type of postcard or
05:33:26	20	Team; is that right?	05:36:56	20	other mailing item by which people could express support
05:33:27	21	A. Yes.	05:37:03	21	for Proposition 8 and volunteer?
05:33:28	22	Q. Who's Bishop Cordeleone?	05:37:06	22	A. Yes.
05:33:30	23	A. Cordeleone. As it states there, at the time	05:37:06	23	Q. And it has the logo "Catholics for
05:33:34	24	he was an auxiliary bishop of the Catholic -- the	05:37:09	24	ProtectMarriage.com" in a couple of places on each card.
05:33:39	25	Catholic Diocese of San Diego.	05:37:13	25	Do you see that?
Page 231		Page 233			
05:33:41	1	Q. And I think we talked about Miles McPherson	05:37:14	1	A. The logo or the term?
05:33:44	2	earlier as the pastor of the Rock Church in San Diego;	05:37:16	2	Q. I'm sorry. The term.
05:33:51	3	correct?	05:37:17	3	A. Yes.
05:33:52	4	A. Yes.	05:37:18	4	Q. And underneath the bottom term, you know,
05:33:59	5	Q. And Tony Perkins at the time was with the	05:37:24	5	"Catholics for ProtectMarriage.com," it says in very
05:34:02	6	Family Research Council; is that correct?	05:37:28	6	small print it says "Paid for by ProtectMarriage.com-Yes
05:34:04	7	A. Yes.	05:37:33	7	on 8, a project of California Renewal."
05:34:05	8	Q. And at the time Frank Shubert was working on	05:37:36	8	Do you see that?
05:34:07	9	the campaign for ProtectMarriage.com; correct?	05:37:37	9	A. Yes.
05:34:13	10	A. I believe so, yes. By July 30th, yes.	05:37:37	10	Q. Are you aware that ProtectMarriage.com funded
05:34:16	11	Q. And Lou Engle who is listed on the last page	05:37:42	11	in part efforts by Catholics for ProtectMarriage.com to
05:34:20	12	of this document, what role did he play in the effort to	05:37:50	12	support Proposition 8?
05:34:26	13	pass Proposition 8, if you know?	05:37:52	13	A. As you present this to me, assuming it is
05:34:29	14	A. Lou Engle?	05:37:56	14	accurate, I am now aware that the campaign committee may
05:34:33	15	MS. MOSS: I'm going to object. Foundation.	05:38:01	15	have paid for these postcards.
05:34:34	16	Answer to the extent you know.	05:38:02	16	Q. Do you know of any other expenditures by the
05:34:38	17	THE WITNESS: It's -- it's been answered. It's --	05:38:06	17	campaign committee to support Catholic involvement in
05:34:40	18	Lou Engle put together "The Call" event and participated	05:38:12	18	the Yes on 8 campaign?
05:34:52	19	in one or more of these webinars.	05:38:14	19	MS. MOSS: To the extent such expenditures are
05:34:54	20	MS. STEWART: Q And that's the extent of his	05:38:17	20	public, you can answer. To the extent you had internal
05:34:56	21	participation.	05:38:20	21	expenditures that are not public, I would direct you not
05:34:56	22	A. To my knowledge.	05:38:24	22	to answer.
05:35:00	23	Q. And who's Chuck Colson?	05:38:32	23	THE WITNESS: You referred this morning to an
05:35:04	24	A. Chuck Colson is an attorney.	05:38:37	24	expenditure to Bill May, and that's all that I'm
05:35:13	25	Q. And was he active in the effort to pass	05:38:45	25	familiar with.

Page 234		Page 236			
05:40:13	1	MS. STEWART: I'm going to ask you to look at a	05:45:30	1	Jim Garlow during the campaign?
05:40:15	2	document that we will mark as Exhibit 31.	05:45:32	2	A. In E-mail form?
05:40:18	3	(Whereupon, Exhibit No. 31 was	05:45:34	3	Q. In any form. I'm not quite sure what form
05:40:32	4	Marked for identification.)	05:45:37	4	this is so....
05:40:54	5	MS. STEWART: Q Have you ever seen this document	05:45:49	5	A. Sorry. The answer is "yes" and "no."
05:40:55	6	before?	05:45:52	6	Sometimes yes; sometimes no.
05:41:07	7	A. Yes.	05:45:55	7	Q. I'm noticing something that you alerted me to
05:41:07	8	Q. Can you tell me what it is?	05:45:58	8	earlier which it says at the bottom "If you wish to be
05:41:11	9	A. It began as an E-mail blast from Frank Shubert	05:46:00	9	removed from this mailing list, please click
05:41:22	10	to our E-mail list. And was picked up by Jim Garlow and	05:46:03	10	unsubscribe."
05:41:27	11	forwarded along.	05:46:05	11	A. E-mail.
05:41:59	12	Q. Was it forwarded along by Jim Garlow -- can	05:46:05	12	Q. Which would suggest it's an E-mail; is that
05:42:06	13	you tell -- or do you remember how he forwarded it along	05:46:06	13	right?
05:42:09	14	whether it was by E-mail or some other way?	05:46:07	14	A. That's what it suggests, yeah.
05:42:13	15	A. I -- I'm not sure, no.	05:46:09	15	Q. So you got some E-mails from Jim Garlow but
05:42:25	16	Q. You mentioned earlier that you attended part	05:46:12	16	not necessarily all?
05:42:27	17	of one of the simulcast events?	05:46:14	17	A. Yes.
05:42:30	18	A. I listened to one.	05:46:16	18	Q. So you were on some list that he blasted; is
05:42:31	19	Q. You listened to one. I'm sorry.	05:46:23	19	that fair?
05:42:33	20	Which of the simulcast events did you listen	05:46:24	20	A. Apparently so, yes.
05:42:37	21	to?	05:46:28	21	MS. STEWART: Can we take a short break, like five
05:42:39	22	A. One that was held at Skyline Church.	05:46:31	22	minutes?
05:42:43	23	Q. And two of the three were held there; is that	05:46:33	23	THE VIDEOGRAPHER: Off the record at 5:46.
05:42:46	24	correct?	05:59:52	24	(Brief break.)
05:42:46	25	A. That's my recollection.	06:00:02	25	THE VIDEOGRAPHER: Back on the record at 5:59.
Page 235		Page 237			
05:42:51	1	Q. Do you recall whether it was called "The ABCs	06:00:08	1	MS. STEWART: I want to ask you to look at an
05:42:53	2	of Marriage"?	06:00:11	2	exhibit that we will mark 33.
05:42:54	3	A. No.	06:00:15	3	(Whereupon, Exhibit No. 33 was
05:42:57	4	Q. Do you recall the time, the approximate month	06:00:30	4	Marked for identification.)
05:43:02	5	or --	06:00:30	5	(Mr. Pugno is absent.)
05:43:03	6	A. No.	06:00:37	6	MS. STEWART: Q Earlier we talked about an article
05:43:10	7	Q. Do you recall anything about the content of it	06:00:40	7	that Mr. Shubert and Mr. Flint published about passing
05:43:13	8	at all?	06:00:45	8	Proposition 8. And I think you testified that you had
05:43:16	9	A. I recall seeing Jim Garlow and Lou Engle.	06:00:48	9	seen that article. And I want to ask you if this is
05:43:22	10	That's all.	06:00:51	10	that article.
05:43:40	11	MS. STEWART: I'm going to ask you to look at a	06:01:08	11	A. Yes.
05:43:43	12	document we'll mark Exhibit 32.	06:01:11	12	MS. STEWART: I'm going to ask you to look at a
05:43:44	13	(Whereupon, Exhibit No. 32 was	06:01:15	13	document that we will mark as 34.
05:44:00	14	Marked for identification.)	06:01:19	14	(Whereupon, Exhibit No. 34 was
05:44:30	15	MS. STEWART: Q And I want to just call to your	06:01:39	15	Marked for identification.)
05:44:32	16	attention that it is a two-page document and was	06:01:40	16	(Mr. Pugno enters the room.)
05:44:36	17	double-side copied so there is something on the back as	06:01:54	17	MS. STEWART: Q I'll let you have a minute to look
05:44:40	18	well.	06:01:55	18	at it. I'm going to ask you if you've ever seen this
05:44:51	19	Do you know what this document is?	06:01:58	19	before.
05:44:57	20	A. Hang on. I only know what this document says	06:02:22	20	(Pause in the proceedings.)
05:45:11	21	is what it is.	06:02:27	21	THE WITNESS: No, I haven't.
05:45:14	22	Q. And what can you tell about it from the text	06:02:28	22	MS. STEWART: Q Did you believe that Mr. Shubert
05:45:17	23	of it?	06:02:29	23	and Mr. Flint spoke to a reporter named Kate Kay or a
05:45:19	24	A. It's Jim Garlow promoting "The Call" event.	06:02:46	24	journalist from something called Politics and Advocacy
05:45:22	25	Q. And did you receive letters of this kind from	06:02:51	25	about the Yes on 8 campaign?

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 II

Friday, December 18, 2009

REPORTED BY: LESLIE CASTRO, CSR #8876

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(415) 982-4849

Page 138		Page 140	
01:40:51	1 MS. MOSS: Object to the form of the question. If	01:44:17	1 I apologize.
01:40:52	2 you can define what you mean by "campaign."	01:44:18	2 (Whereupon, Exhibit No. 70 was
01:40:55	3 MS. STEWART: Well, I mean campaign in the very	01:44:35	3 Marked for identification.)
01:40:57	4 broad sense.	01:44:41	4 MS. STEWART: Q Have you ever seen that document
01:41:01	5 THE WITNESS: Yes.	01:44:43	5 before?
01:41:02	6 MS. STEWART: Q And at the top it also says	01:44:44	6 A. Yes.
01:41:05	7 "Download the new fliers here." And it refers to a	01:44:44	7 Q. Can you tell me what it is.
01:41:09	8 website www.CACatholic.org.	01:44:48	8 A. It's a timeline that leads up to the event
01:41:13	9 Do you see that?	01:44:52	9 called "The Call."
01:41:14	10 A. Yes.	01:44:54	10 Q. Do you know who prepared that timeline?
01:41:15	11 Q. And it appears to be sending people to that	01:45:05	11 A. No.
01:41:19	12 website to get fliers having to do with Proposition 8.	01:45:19	12 MS. STEWART: I'm going to mark -- all right, I
01:41:23	13 Do you see that?	01:45:24	13 lied. This is another one where I only have two.
01:41:24	14 A. Yes.	01:45:28	14 Exhibit 71.
01:41:28	15 Q. Were you familiar with www.CACatholic.org?	01:45:41	15 (Whereupon, Exhibit No. 71 was
01:41:36	16 A. Yes.	01:45:41	16 Marked for identification.)
01:41:37	17 Q. Did you know that it was being used to support	01:46:01	17 MS. STEWART: Q Have you ever seen this document
01:41:44	18 the Proposition 8 campaign --	01:46:02	18 before?
01:41:47	19 A. No.	01:46:02	19 A. No.
01:41:47	20 Q. -- broad campaign?	01:46:06	20 Q. Do you see at the bottom that it has three
01:41:50	21 No?	01:46:09	21 websites listed. One of which is
01:41:50	22 A. The broad campaign, no.	01:46:10	22 www.ProtectMarriageCA.com?
01:41:55	23 MS. STEWART: I'll ask you to look at a document	01:46:15	23 A. Yes.
01:41:57	24 that we will mark 69.	01:46:15	24 Q. And I think you told me about that website
01:42:11	25 MS. STEWART: Q And I apologize but I copied this	01:46:17	25 yesterday.
Page 139		Page 141	
01:42:14	1 myself so I only have two copies. So let me actually	01:46:18	1 Do you see it has a one for
01:42:22	2 give you the one that I'll have the court reporter mark	01:46:20	2 www.SkylineChurch.com?
01:42:27	3 so I can refer to one.	01:46:23	3 A. Yes.
01:42:29	4 MS. MOSS: You only have two, period?	01:46:24	4 Q. And the other one is www.JimGarlow.com?
01:42:31	5 MS. STEWART: Period.	01:46:29	5 A. Yes.
01:42:32	6 MS. MOSS: No problem.	01:46:29	6 Q. Were you at all familiar with the Skyline
01:42:33	7 MS. STEWART: There's only one or two items like	01:46:31	7 Church website that's on this page?
01:42:35	8 this.	01:46:33	8 A. No.
01:42:44	9 (Whereupon, Exhibit No. 69 was	01:46:34	9 Q. How about the Jim Garlow website?
01:42:08	10 Marked for identification.)	01:46:36	10 A. No.
01:42:47	11 MS. STEWART: Q Do you recognize this document,	01:46:55	11 MS. STEWART: I'm going to mark Exhibit 72.
01:42:49	12 have you ever seen it before?	01:47:09	12 (Whereupon, Exhibit No. 72 was
01:43:01	13 A. Yes.	01:47:10	13 Marked for identification.)
01:43:01	14 Q. What is it?	01:47:21	14 MS. STEWART: Q Have you ever seen that document
01:43:05	15 A. It appears to be a resource list of	01:47:22	15 before?
01:43:09	16 homosexuality resources.	01:47:35	16 A. I don't recall ever having seen it before.
01:43:11	17 Q. And a resource list of whose?	01:47:39	17 Q. Do you ever remember hearing about the 10
01:43:15	18 A. Focus on the Family.	01:47:42	18 declarations for protecting biblical marriage as the
01:43:15	19 Q. Did Focus on the Family use this resource list	01:47:47	19 title refers to in the course of the Prop 8 effort?
01:43:18	20 or something like it when you were working for that	01:47:56	20 A. Yes.
01:43:22	21 organization?	01:47:57	21 Q. Who did you hear about the 10 declarations for
01:43:24	22 A. I don't know.	01:48:00	22 protecting biblical marriage from?
01:44:05	23 MS. STEWART: I'm going to ask you to look at --	01:48:05	23 MS. MOSS: To the extent that whomever you heard it
01:44:07	24 this is the other one, and this one is even worse, I	01:48:08	24 from is public, then you can reveal the identity.
01:44:13	25 only have one copy. But it's the only one like this so	01:48:21	25 THE WITNESS: Jim Garlow.

Page 142		Page 144			
01:48:23	1	MS. STEWART: Q And this document has a copyright	01:52:22	1	little female symbol in the word marriage.
01:48:27	2	symbol with James Garlow's name on it at the bottom,	01:52:26	2	Do you see that?
01:48:31	3	does it not, of the second page?	01:52:26	3	A. Yes.
01:48:33	4	A. Yes.	01:52:27	4	Q. Have you ever seen this document before?
01:48:33	5	Q. And it's dated June 25th, 2008?	01:52:47	5	MS. MOSS: I don't know if it's just my copy, it
01:48:37	6	A. Yes.	01:52:50	6	doesn't appear to be --
01:48:42	7	Q. Did you ever hear of something called the 8	01:52:55	7	MS. STEWART: I know it's, sort of -- I think it
01:48:44	8	for 8 plan in connection with Proposition 8?	01:52:56	8	may have been in booklet form, but this is how it comes
01:48:48	9	A. Yes.	01:53:02	9	off the web. I think it's because they may have laid it
01:48:55	10	Q. Was that also something that was -- that	01:53:06	10	out in a way that it would fold in half. But they're
01:49:02	11	Pastor Garlow talked about when he talked about	01:53:11	11	all that way, it's not just yours.
01:49:05	12	Proposition 8?	01:53:14	12	MS. MOSS: Okay.
01:49:12	13	A. Yes.	01:53:19	13	THE WITNESS: Well, earlier I referred to having
01:49:13	14	Q. Did you ever hear about the ABCs of the	01:53:22	14	seen the document, but I don't believe I have, I've only
01:49:15	15	Proposition 8 amendment?	01:53:26	15	seen that logo (indicating).
01:49:18	16	A. Yes.	01:53:28	16	MS. STEWART: Q So you've seen the logo "God's
01:49:20	17	Q. Was that a phrase -- a phrase that	01:53:31	17	Design for Marriage" but not on this document?
01:49:26	18	Pastor Garlow used in connection with Proposition 8?	01:53:33	18	A. This document doesn't -- I don't recall it.
01:49:29	19	A. Yes.	01:53:35	19	Q. Okay.
01:49:33	20	MS. STEWART: I'm going to ask you look at	01:53:36	20	Do you see that it says on the cover page "For
01:49:35	21	Exhibit 73.	01:53:39	21	more information, go to www.ProtectMarriage.com?
01:49:36	22	(Whereupon, Exhibit No. 73 was	01:53:43	22	A. Yes.
01:49:51	23	Marked for identification.)	01:53:45	23	Q. And also, it says on what I'm going to guess
01:50:09	24	MS. STEWART: Q Have you ever seen Exhibit 73	01:53:48	24	it's on the left-hand side what might have been the back
01:50:11	25	before?	01:53:52	25	page of the document if it was a foldover?
Page 143		Page 145			
01:50:17	1	A. Yes.	01:53:54	1	A. Yes.
01:50:20	2	Q. Do you recall where you saw it?	01:53:55	2	Q. And underneath it says "Assembled by Pastor
01:50:27	3	A. Yes.	01:53:58	3	Jim Garlow and the staff at Skyline Church."
01:50:27	4	Q. Where did you -- where did you come across	01:54:04	4	Do you see that?
01:50:31	5	this document?	01:54:05	5	A. Yes.
01:50:35	6	A. It was distributed at an event that had to do	01:54:05	6	Q. Do you know whether the logo of "God's Design
01:50:45	7	with a webinar.	01:54:09	7	for Marriage" was used by Pastor Garlow in connection
01:50:47	8	Q. At an event that had to do with a webinar?	01:54:16	8	with the campaign to pass Proposition 8?
01:50:50	9	A. It was at the site where the webinar was cast.	01:54:20	9	MS. MOSS: By "campaign," are you referring to the
01:50:53	10	Q. And were you present at that site at the time?	01:54:22	10	broader campaign?
01:50:56	11	A. Yes.	01:54:24	11	MS. STEWART: Yes.
01:50:57	12	Q. Where was the site of the webinar?	01:54:27	12	THE WITNESS: I recognize it from the time of the
01:51:02	13	A. Skyline Church.	01:54:30	13	Yes on 8 campaign, yes.
01:51:03	14	Q. And in the, sort of, faint background	01:54:33	14	MS. STEWART: Q Do you recognize any of the
01:51:09	15	underneath the lettering, that's the Yes on 8 logo in	01:54:35	15	content of the document even though you haven't seen the
01:51:15	16	the background; right?	01:54:41	16	entire document?
01:51:17	17	A. Yes.	01:55:21	17	A. Yes.
01:51:51	18	MS. STEWART: I'm going to mark this as Exhibit 74.	01:55:22	18	Q. What parts of it do you remember seeing
01:51:52	19	(Whereupon, Exhibit No. 74 was	01:55:26	19	before?
01:52:13	20	Marked for identification.)	01:55:32	20	A. Fourth page, page --
01:52:14	21	MS. STEWART: Q This is a document entitled "God's	01:55:34	21	Q. The one that actually says page 4?
01:52:16	22	Design for Marriage."	01:55:37	22	A. Yes. And page 8.
01:52:17	23	Do you see that?	01:55:56	23	Q. Okay.
01:52:19	24	A. Yes.	01:55:56	24	So you saw the part that says "Biblical
01:52:19	25	Q. And it has, like, a little male symbol and a	01:55:59	25	talking points regarding marriage" and -- is that right?

EXHIBIT D

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

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(415) 982-4849

Page 98		Page 100	
11:42:50	1 that were put -- that were sponsored by the ballot	11:45:49	1 know.
11:42:56	2 measure committee.	11:45:52	2 THE WITNESS: He was not the literal designer and
11:42:57	3 Q. Are you aware of debates that were sponsored	11:45:56	3 creator of the website.
11:42:59	4 by other people?	11:45:58	4 MS. STEWART: Q To your knowledge, was it created
11:43:00	5 A. I'm aware of debates where -- yes.	11:46:00	5 under his supervision?
11:43:10	6 Q. What debates are you aware of?	11:46:04	6 A. Yeah, he participated in its development.
11:43:12	7 A. I'm aware of the Federalists Society holding a	11:46:09	7 Q. And were you aware of its development when
11:43:18	8 debate at Cal Lutheran. I'm aware of -- that actually	11:46:12	8 that was happening?
11:43:27	9 is the one that comes to mind. I'm not sure of any	11:46:15	9 A. I was aware that it was in the works, yes.
11:43:30	10 others.	11:46:19	10 Q. And did Pastor McPherson request approval or
11:43:31	11 Q. Were you present for that debate?	11:46:35	11 permission from you or the executive committee to create
11:43:32	12 A. No.	11:46:40	12 that website?
11:43:33	13 Q. Were there town hall meetings held --	11:46:46	13 A. I'm trying to -- I'm struggling with the
11:43:35	14 A. Yes.	11:46:53	14 terms. No.
11:43:35	15 Q. -- in support of Proposition 8?	11:46:56	15 Q. Did he ask you or the executive committee
11:43:39	16 A. Yes.	11:47:05	16 whether you would object to him creating that website?
11:43:44	17 Q. Were there events that were simulcast?	11:47:09	17 A. No.
11:43:51	18 A. Yes.	11:47:12	18 Q. What communication did you have with him about
11:43:57	19 Q. Were there communications on websites?	11:47:15	19 that website, if any, before it was created?
11:44:01	20 A. On various websites not associated with the	11:47:19	20 MS. MOSS: I'm going to object to that to the
11:44:04	21 campaign itself?	11:47:21	21 extent it's getting into internal communications or
11:44:06	22 Q. On any websites.	11:47:25	22 private communications that you had with individuals.
11:44:09	23 A. Absolutely.	11:47:28	23 And I'm sorry, and to be clear that's a First Amendment
11:44:10	24 Q. And you said not associated with the campaign	11:47:41	24 objection --
11:44:15	25 itself.	11:47:43	25 THE WITNESS: Thank-you.
Page 99		Page 101	
11:44:16	1 Were there websites that were associated with	11:47:43	1 MS. MOSS: -- and I'm instructing you not to
11:44:19	2 the campaign itself?	11:47:46	2 answer.
11:44:21	3 A. There is one primary website.	11:47:48	3 THE WITNESS: Thank-you.
11:44:23	4 Q. What is that?	11:47:56	4 MS. STEWART: Q I'm going to ask you to look at a
11:44:23	5 A. That's ProtectMarriage.com.	11:47:57	5 document that we will mark as Exhibit 4.
11:44:25	6 Q. When you say "one primary website," were there	11:48:02	6 (Whereupon, Exhibit No. 4 was
11:44:27	7 secondary websites?	11:48:15	7 Marked for identification.)
11:44:29	8 A. We are aware of two additional websites that	11:48:33	8 MS. STEWART: Q Do you recognize this document?
11:44:34	9 were created without our supervision. One was a	11:48:51	9 A. Yes.
11:44:43	10 IProtectMarriage.com. And another was created by a	11:48:52	10 Q. What is it?
11:44:49	11 group in San Diego ProtectMarriageCA.com.	11:48:54	11 A. Well, it was a communications from the
11:44:58	12 Q. And you said those were created without your	11:49:01	12 ProtectMarriage.com-Yes on 8 that informed those who
11:45:03	13 supervision; is that what you said?	11:49:09	13 received our E-mails about these aspects.
11:45:05	14 A. Yes.	11:49:12	14 Q. And are you saying this was an E-mail
11:45:06	15 Q. Did you -- well, first of all, who created	11:49:16	15 communication?
11:45:12	16 IProtectMarriage.com?	11:49:19	16 A. Yeah, it appears to be so, yes.
11:45:15	17 A. It was primarily formed out of a church in	11:49:22	17 Q. It's not a web page, it's an E-mail, as far as
11:45:19	18 San Diego called The Rock.	11:49:24	18 you can tell?
11:45:20	19 Q. And who was the head of The Rock?	11:49:25	19 A. As far as I can tell.
11:45:23	20 A. The senior pastor is Miles McPherson.	11:49:26	20 Q. And how do you know that, by the way?
11:45:28	21 Q. And when Mr. -- what is his title?	11:49:28	21 A. How do I know it's an E-mail?
11:45:37	22 A. Pastor Miles --	11:49:30	22 Q. Yes, is there something about --
11:45:38	23 Q. McPherson created that web -- well, did Mr. --	11:49:33	23 A. Primarily the "unsubscribe" at the bottom.
11:45:43	24 Pastor McPherson create that website?	11:49:36	24 Q. Okay. Fair enough. Thank-you.
11:45:48	25 MS. MOSS: Object. Lack of foundation. But if you	11:49:39	25 I'm going to direct your attention to the

Page 102		Page 104	
11:49:48	1	11:53:02	1
11:49:55	2	11:53:05	2
11:49:59	3	11:53:09	3
11:50:00	4	11:53:13	4
11:50:01	5	11:53:15	5
11:50:01	6	11:53:18	6
11:50:04	7	11:53:20	7
11:50:08	8	11:53:26	8
11:50:11	9	11:53:31	9
11:50:16	10	11:53:33	10
11:50:19	11	11:53:38	11
11:50:20	12	11:53:42	12
11:50:21	13	11:53:46	13
11:50:22	14	11:53:53	14
11:50:23	15	11:54:00	15
11:50:26	16	11:54:03	16
11:50:34	17	11:54:05	17
11:50:42	18	11:54:05	18
11:50:44	19	11:54:10	19
11:50:51	20	11:54:13	20
11:50:53	21	11:54:15	21
11:50:58	22	11:54:19	22
11:51:03	23	11:54:22	23
11:51:06	24	11:54:23	24
11:51:13	25	11:54:29	25
Page 103		Page 105	
11:51:21	1	11:54:35	1
11:51:27	2	11:54:46	2
11:51:36	3	11:55:51	3
11:51:38	4	11:55:52	4
11:51:42	5	11:56:08	5
11:51:47	6	11:56:08	6
11:51:53	7	11:56:16	7
11:51:58	8	11:56:18	8
11:52:01	9	11:56:19	9
11:52:05	10	11:56:21	10
11:52:11	11	11:56:25	11
11:52:15	12	11:56:28	12
11:52:21	13	11:56:29	13
11:52:24	14	11:56:33	14
11:52:27	15	11:56:37	15
11:52:30	16	11:56:39	16
11:52:31	17	11:56:40	17
11:52:37	18	11:56:42	18
11:52:43	19	11:56:45	19
11:52:46	20	11:56:50	20
11:52:50	21	11:56:57	21
11:52:52	22	11:57:02	22
11:52:55	23	11:57:05	23
11:52:58	24	11:57:11	24
11:53:00	25	11:57:17	25

Page 106		Page 108			
11:57:20	1	A. Uh-huh.	12:00:32	1	communicate with voters by conference calls?
11:57:20	2	Q. Does it refresh your recollection as to who	12:00:45	2	A. There may have been -- there -- there were
11:57:22	3	was a part of that informal entity?	12:00:50	3	fundraising calls, if that's what you mean. That's the
11:57:26	4	A. The only person that I knew was a part of it	12:00:54	4	only thing that comes to mind where major donors or
11:57:30	5	was Jim Garlow.	12:01:00	5	potential major donors were brought together for
11:57:32	6	Q. You did know, did you not that Miles McPherson	12:01:02	6	conference calls.
11:57:36	7	created or had created for him or for his under his	12:01:03	7	Q. Were there conference calls with pastors?
11:57:46	8	supervision the IProtectMarriage.com website?	12:01:08	8	A. That were sponsored directly by the campaign?
11:57:50	9	A. Yes.	12:01:13	9	Q. Well, let's start there, yeah.
11:58:10	10	Q. I'm going to go back.	12:01:18	10	A. The only conference calls I'm familiar with
11:58:12	11	We were talking earlier about how the campaign	12:01:20	11	pastors came through Jim Garlow and his Pastors Rapid
11:58:17	12	communicated with actual and potential voters.	12:01:29	12	Response Team.
11:58:21	13	Do you recall that discussion?	12:01:31	13	Q. And when you say "came through," explain what
11:58:22	14	A. Yes.	12:01:35	14	you mean by that.
11:58:23	15	Q. And we went through a number of ways, and I	12:01:36	15	A. Created, developed and implemented through
11:58:25	16	want to circle back because I'm not sure if we covered	12:01:38	16	him.
11:58:29	17	them all.	12:01:38	17	Q. So there were conference calls that
11:58:30	18	So you mentioned as ways that the campaign	12:01:41	18	Pastor Garlow -- he's a pastor; correct?
11:58:33	19	communicated with voters or potential voters -- and can	12:01:43	19	A. Correct.
11:58:38	20	I just for shorthand say "voters" to mean potential	12:01:44	20	Q. -- organized --
11:58:43	21	voters as well.	12:01:47	21	A. Correct.
11:58:44	22	A. Yes.	12:01:47	22	Q. -- through the Pastors Rapid Response Team?
11:58:45	23	Q. Would that be acceptable do you understand	12:01:54	23	And were you part of those conference calls?
11:58:46	24	that?	12:01:56	24	A. Some. I was invited to participate in some.
11:58:47	25	A. Uh-huh.	12:02:05	25	Q. Were other members of the executive committee
Page 107		Page 109			
11:58:47	1	Q. You have to answer audibly.	12:02:08	1	participants in those conference calls?
11:58:49	2	A. Yes. Sorry.	12:02:15	2	A. Let's see. I'm -- I don't know for sure.
11:58:51	3	Q. So in communicating with voters the campaign	12:02:22	3	Q. Were Shubert and Flint participants in those
11:58:56	4	used T.V. ads. You said radio ads, E-mail blasts,	12:02:28	4	conference calls?
11:59:00	5	direct mail rallies, town hall meetings, a primary	12:02:28	5	A. They were invited to participate in some as
11:59:08	6	website and you mentioned two other websites	12:02:31	6	well.
11:59:12	7	IProtectMarriage.com and ProtectMarriage.com and that's	12:02:31	7	Q. Were any of your other -- when I say you, I
11:59:18	8	where I got diverted.	12:02:35	8	mean ProtectMarriage.com -- consultants involved in
11:59:21	9	So I want to ask: Are there other ways	12:02:38	9	those conference calls?
11:59:23	10	besides those that the campaign communicated with	12:02:42	10	A. I believe one conference call. Gary Lawrence
11:59:27	11	voters?	12:02:45	11	from Lawrence Research was invited to participate.
11:59:28	12	A. Yes. As you state that, I'm reminded of door	12:02:52	12	Q. And any other ProtectMarriage.com consultants
11:59:32	13	hangers. And I'm reminded of brochures that were	12:02:56	13	that you recall were -- who were involved in those
11:59:36	14	distributed, and I'm reminded of yard signs and bumper	12:02:59	14	conference calls?
11:59:42	15	stickers.	12:03:00	15	A. I vaguely recall and could be inaccurate in
11:59:50	16	Q. How about press releases?	12:03:05	16	whether Steve Linder was -- participated in one.
11:59:51	17	A. Yes.	12:03:09	17	Q. Okay. And is that it?
11:59:54	18	Q. And how about press events --	12:03:12	18	A. To my knowledge.
11:59:58	19	A. Yes.	12:03:15	19	Q. Were there -- we talked about the simulcasts.
11:59:58	20	Q. -- press conferences that sort of thing?	12:03:25	20	Can you tell me about the simulcasts. And
12:00:00	21	A. Yes.	12:03:28	21	I've seen reference to something called simulcasts, and
12:00:03	22	Q. And did the campaign provide articles or other	12:03:32	22	I'm not sure I fully understand what the term means. So
12:00:10	23	content for websites besides its own?	12:03:35	23	can we start there.
12:00:22	24	A. Not to my knowledge, no.	12:03:38	24	Do you know what simulcast means, can you
12:00:28	25	Q. Were there conference calls? Did you	12:03:40	25	explain it to me?

Page 218		Page 220	
05:10:46	1	05:14:16	1
05:10:53	2	05:14:18	2
05:11:01	3	05:14:20	3
05:11:06	4	05:14:24	4
05:11:09	5	05:14:32	5
05:11:13	6	05:14:38	6
05:11:15	7	05:14:39	7
05:11:19	8	05:14:40	8
05:11:20	9	05:14:43	9
05:11:23	10	05:14:47	10
05:11:25	11	05:14:48	11
05:11:30	12	05:14:49	12
05:11:32	13	05:14:51	13
05:11:38	14	05:14:53	14
05:11:42	15	05:14:57	15
05:11:46	16	05:15:02	16
05:11:49	17	05:15:04	17
05:11:51	18	05:15:06	18
05:11:53	19	05:15:07	19
05:11:53	20	05:15:09	20
05:11:55	21	05:15:10	21
05:12:02	22	05:15:13	22
05:12:18	23	05:15:15	23
05:12:23	24	05:15:16	24
05:12:28	25	05:15:17	25
Page 219		Page 221	
05:12:31	1	05:15:22	1
05:12:31	2	05:15:30	2
05:12:36	3	05:15:35	3
05:12:37	4	05:15:41	4
05:12:40	5	05:15:44	5
05:12:44	6	05:15:45	6
05:12:49	7	05:15:49	7
05:12:56	8	05:15:51	8
05:13:13	9	05:15:54	9
05:13:15	10	05:16:14	10
05:13:19	11	05:16:16	11
05:13:25	12	05:16:20	12
05:13:30	13	05:16:27	13
05:13:32	14	05:16:31	14
05:13:38	15	05:16:37	15
05:13:39	16	05:16:43	16
05:13:42	17	05:16:48	17
05:13:44	18	05:16:51	18
05:13:50	19	05:16:59	19
05:13:54	20	05:17:02	20
05:13:57	21	05:17:03	21
05:14:00	22	05:17:06	22
05:14:04	23	05:17:08	23
05:14:11	24	05:17:14	24
05:14:13	25	05:17:15	25