



February 3, 2010

Stephen V. Bomse  
(415) 773-4145  
sbomse@orrick.com

The Honorable Vaughn R. Walker  
Chief Judge  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Perry et al v. Schwarzenegger et al, Case 3:09-cv-02292-VRW

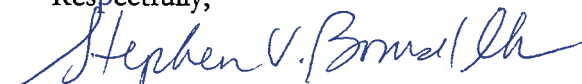
Dear Judge Walker:

As you may be aware, I am counsel for the ACLU of Northern California in connection with the motion by Defendants-Intervenors ("Proponents") to compel compliance with a previously-served subpoena for documents. We have filed our response to that motion yesterday in accordance with the Court's order.

In the event the Court wishes to hold a hearing on that matter, I respectfully request that it be scheduled next Monday at any time convenient to the Court or that the Court defer such hearing until February 17. I am going to be out of the country for business reasons as of the morning of the 9th and do not return until late in the evening of the 16th. This trip was scheduled some time ago and cannot be moved.

It is, of course, not our intent to impose a burden on the Court or on other parties for that matter nor do we wish to delay resolution of the case. However, as we discuss at some length in our reply to Proponents' motion, this is an issue that has been pending with the ACLU in one form or another for five months. It also is an issue that, as you know, our client regards as important not only in light of the extraordinary importance of the underlying issues, but also with respect to the considerations raised by the proposed discovery of its files regarding the campaign over Proposition 8. I have been lead counsel for the ACLU as to these issues throughout the process. Therefore, we would appreciate it if Your Honor would accommodate this request either by scheduling a hearing prior to my departure or by deferring the hearing until my return.

Respectfully,

  
Stephen V. Bomse

cc: All Counsel