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February 11, 2010

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

Magistrate Judge Joseph C. Spero
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 Magistrate Judge Spero:

Pursuant to instructions which we received from your clerk subsequent to the e-filing of my earlier letter of today, we attach for the Court's records a copy of that letter as well as copies of the consents of counsel to continuing the hearing on the Motion to Compel until February 25th at 2:30 p.m.

Respectfully,


Stephen V. Bomse

Enclosures

cc: All Counsel



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February 11, 2010

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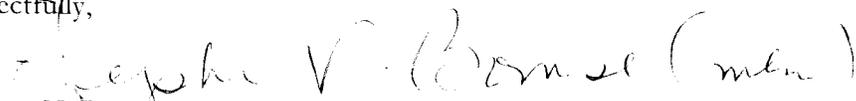
Magistrate Judge Joseph C. Spero
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

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

Dear Magistrate Judge Spero:

In accordance with your request, we have spoken with counsel for all parties concerned with Defendant-Intervenors' Motion to Compel and they all have graciously consented to continue the hearing on the Motion to Compel until February 25th at 2:30 p.m. We greatly appreciate Your Honor's willingness to accommodate my scheduling issues.

Respectfully,


Stephen V. Bomse

cc: All Counsel

Macdonald, Mary

From: Elizabeth Gill [egill@aclunc.org]
Sent: Thursday, February 11, 2010 11:37 AM
To: Macdonald, Mary
Subject: Fw: No on 8 subpoena hearing date

From: Kari Krogseng
To: Elizabeth Gill; Lauren Whittemore ; Leslie Kramer
Cc: sbomse@orrick.com ; James Harrison
Sent: Wed Feb 10 11:30:14 2010
Subject: RE: No on 8 subpoena hearing date

Either date will work for us.

-----Original Message-----

From: Elizabeth Gill [mailto:egill@aclunc.org]
Sent: Wednesday, February 10, 2010 10:59 AM
To: Kari Krogseng; Lauren Whittemore; Leslie Kramer
Cc: sbomse@orrick.com
Subject: No on 8 subpoena hearing date
Importance: High

Hi, all,

Our counsel is out of the country on Feb. 22, the day the court has scheduled for the hearing re the No on 8 subpoenas. Would you all agree to moving the date to Feb. 24 or 25 (preferably Feb. 25)? Please let me know ASAP.

Thanks, Elizabeth

Elizabeth Gill
Staff Attorney, LGBT & AIDS Project
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
tel: 415.621.2493, ext. 437

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Macdonald, Mary

From: Elizabeth Gill [egill@aclunc.org]
Sent: Thursday, February 11, 2010 11:37 AM
To: Macdonald, Mary
Subject: Fw: No on 8 subpoena hearing date

From: Lauren Whittemore
To: Elizabeth Gill; 'Kari Krogseng' ; Leslie Kramer
Cc: sbomse@orrick.com
Sent: Wed Feb 10 11:01:15 2010
Subject: RE: No on 8 subpoena hearing date

That is fine with us.

From: Elizabeth Gill [mailto:egill@aclunc.org]
Sent: Wednesday, February 10, 2010 10:59 AM
To: 'Kari Krogseng'; Lauren Whittemore; Leslie Kramer
Cc: sbomse@orrick.com
Subject: No on 8 subpoena hearing date
Importance: High

Hi, all,

Our counsel is out of the country on Feb. 22, the day the court has scheduled for the hearing re the No on 8 subpoenas. Would you all agree to moving the date to Feb. 24 or 25 (preferably Feb. 25)? Please let me know ASAP.

Thanks, Elizabeth

Elizabeth Gill
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2/11/2010

Macdonald, Mary

From: Elizabeth Gill [egill@aclunc.org]
Sent: Thursday, February 11, 2010 11:37 AM
To: Macdonald, Mary
Subject: Fw: Request to move hearing date on third-party subpoena motion to compel

From: David Thompson
To: Elizabeth Gill; Chuck Cooper ; Howard Nielson ; Nicole Moss ; Pete Patterson ; andrew@pugnolaw.com ; braum@telladf.org ; Jim Campbell
Cc: sbomse@orrick.com
Sent: Wed Feb 10 12:06:36 2010
Subject: RE: Request to move hearing date on third-party subpoena motion to compel

Elizabeth,

Feb. 25th would work well for us. We would appreciate your passing this along to the Court.

Regards,
David

From: Elizabeth Gill [mailto:egill@aclunc.org]
Sent: Wednesday, February 10, 2010 2:18 PM
To: Chuck Cooper; David Thompson; Howard Nielson; Nicole Moss; Pete Patterson; 'andrew@pugnolaw.com'; 'braum@telladf.org'; Jim Campbell
Cc: sbomse@orrick.com
Subject: Request to move hearing date on third-party subpoena motion to compel
Importance: High

Dear Counsel,

The Court yesterday set a hearing date of February 22 for your motion to compel on certain third-party subpoenas. As our counsel is out of the country on February 22, would you agree to moving the hearing date to February 24 or February 25? Please let us know as soon as you can so that we can let the Court know. I also left a voicemail message with someone in Mr. Pugno's office about this request, as it appears that Mr. Cooper's Washington D.C. offices are closed today.

Best, Elizabeth Gill

Elizabeth Gill
Staff Attorney, LGBT & AIDS Project
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
tel: 415.621.2493, ext. 437

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2/11/2010

Macdonald, Mary

From: Elizabeth Gill [egill@aclunc.org]
Sent: Thursday, February 11, 2010 11:37 AM
To: Macdonald, Mary
Subject: Fw: Changing hearing date for third party No on 8 subpoenas

From: Dusseault, Christopher D.
To: Elizabeth Gill; Monagas, Enrique A.
Cc: sbomse@orrick.com ; Boutrous Jr., Theodore J.
Sent: Thu Feb 11 07:28:54 2010
Subject: Re: Changing hearing date for third party No on 8 subpoenas
Elizabeth, we can make this work. Chris.

From: Elizabeth Gill
To: Monagas, Enrique A.
Cc: sbomse@orrick.com ; Boutrous Jr., Theodore J.; Dusseault, Christopher D.
Sent: Thu Feb 11 07:06:30 2010
Subject: RE: Changing hearing date for third party No on 8 subpoenas
Hi, Enrique,

Unfortunately, Magistrate Judge Spero is only available on February 24 and 25 at 2:30. Is there any way Plaintiffs could make that work on February 25 (when the Proponents have said they are available)?

Thanks, Elizabeth

Elizabeth Gill
Staff Attorney, LGBT & AIDS Project
ACLU of Northern California
39 Drumm Street
San Francisco, CA
tel: 415.621.2493
fax: 415.255.8437

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From: Monagas, Enrique A. [EMonagas@gibsondunn.com]
Sent: Wednesday, February 10, 2010 3:37 PM
To: Elizabeth Gill
Cc: sbomse@orrick.com; Boutrous Jr., Theodore J.; Dusseault, Christopher D.
Subject: RE: Changing hearing date for third party No on 8 subpoenas

Thank you for your email Elizabeth. The Plaintiffs are amendable to your request to reschedule the hearing regarding the No on 8 subpoenas. We are available to attend a hearing on either the 19th, 24th, or 25th, provided the hearing commences in the morning and concludes by 1 PM. Thank you.

From: Elizabeth Gill [mailto:egill@aclunc.org]
Sent: Wednesday, February 10, 2010 11:08 AM
To: Monagas, Enrique A.
Cc: sbomse@orrick.com

2/11/2010

Subject: Changing hearing date for third party No on 8 subpoenas
Importance: High

Hi, Enrique,

I was told that you're handling logistics for the Perry litigation, and I just left you a voicemail about this. Our counsel is out of the country on Feb. 22, the day the court has scheduled for the hearing re the No on 8 subpoenas. Would plaintiffs agree to changing the date to Feb. 24 or 25 (preferably Feb. 25)? Please let me know ASAP.

Thanks, Elizabeth

Elizabeth Gill
Staff Attorney, LGBT & AIDS Project
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
tel: 415.621.2493, ext. 437

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