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8 Attorneys for Third-Party, Equality California

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

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

14 Plaintiffs,

15 v.

16 ARNOLD SCHWARZENEGGER, in his official
 capacity as Governor of California; EDMUND G.
 17 BROWN, JR., in his official capacity as Attorney
 General of California; MARK B. HORTON, in his
 18 official capacity as Director of the California
 Department of Public Health and State Registrar of
 Vital Statistics; LINETTE SCOTT, in her official
 19 capacity as Deputy Director of Health Information &
 Strategic Planning for the California Department of
 Public Health; PATRICK O'CONNELL, in his
 20 official capacity as Clerk-Recorder for the County of
 Alameda; and DEAN C. LOGAN, in his official
 21 capacity as Registrar-Recorder/County Clerk for the
 County of Los Angeles,

22 Defendants,

23 and

24 PROPOSITION 8 OFFICIAL PROPONENTS
 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
 25 MARTIN F. GUTIERREZ, HAK-SHING
 WILLIAM TAM, and MARK A. JANSSON; and
 26 PROTECTMARRIAGE.COM – YES ON 8, A
 PROJECT OF CALIFORNIA RENEWAL,

27 Defendant-Intervenors.
28

Case No. 09-CV-2292 VRW

**SUPPLEMENTAL DECLARATION
 OF GEOFF KORS IN SUPPORT OF
 EQUALITY CALIFORNIA'S
 OPPOSITION TO MOTION TO
 COMPEL**

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

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1 I, Geoff Kors, hereby declare:

2 1. I am the Executive Director of third party Equality California (EQCA). I have
3 personal knowledge of the facts stated below and, if called upon as a witness, could testify
4 competently to such facts.

5 2. I submit this declaration in response to the Court’s February 25, 2010 order
6 (Docket # 602) requesting third party EQCA submit a declaration containing the names of
7 executive committee members, campaign committee members, and consultants, as well as a
8 description of a reasonable search methodology.

9 3. EQCA is an organization dedicated to achieving equality and securing the legal
10 protection of the lesbian, gay, bisexual and transgender (LGBT) community. As Executive
11 Director of EQCA, I lead the legislative efforts, as well as the political action committee activities
12 and educational work of EQCA. Also as part of my role as Executive Director of EQCA, I was a
13 member of the Executive Committee of the No on 8 - Equality for All campaign (“Equality for
14 All”).

15 4. As described in my declaration submitted to the Court on February 22, 2010, and
16 which I herein incorporate by reference as it pertains to the structure of Equality for All, the
17 Equality for All campaign involved over 100 member organizations and discussion of campaign
18 strategy and messaging took place at many levels of the campaign. Because of the structure of
19 the campaign, the organization capable of defining a core group for the entire campaign is
20 Equality for All. However, it is my understanding that Proponents have made a choice not to
21 move to compel against Equality for All. As a result, while I will endeavor to provide as
22 complete a listing as possible, I do not have knowledge of the entire core group for the campaign.
23 However, as one person in an enormous statewide campaign and as Executive Director of one of
24 the largest LGBT rights organizations in the state, I regularly communicated with hundreds of
25 people regarding strategy and messaging – the people listed here are a partial listing of all of
26 those people. Accordingly, I necessarily must reserve the right to add people to the core group
27 who had significant involvement and participation in campaign strategy and messaging and are
28 later identified during the review of EQCA’s emails or otherwise.

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Individual Participants in Equality for All Campaign

5. Executive Committee Officers and Members:

On information and belief, the following is a list of the officers and voting members of the Executive Committee: Dale Kelly Bankhead, Equality for All Campaign Manager; Heather Carrigan, ACLU Foundation of Southern California; Cary Davidson, Secretary and Legal Counsel, Equality for All; Oscar de la O, BIENESTAR; Sue Dunlap, Planned Parenthood; Michael Fleming; Patrick Guerrero, Equality for All Campaign Director; Maya Harris, ACLU of Northern California; Dan Hawes, National Gay and Lesbian Task Force; Dennis Herrera, San Francisco City Attorney; Delores Jacobs, San Diego LBGT Center; Lorri L. Jean, Los Angeles Gay & Lesbian Center; Kate Kendell, National Center for Lesbian Rights (NCLR); Geoff Kors, Equality California; Steve Mele, Treasurer; Joyce Newstat; Tawal Panyacosit, Jr., API Equality; Rashad Robinson, Gay and Lesbian Alliance Against Defamation (GLAAD); Marty Rouse, Human Rights Campaign (HRC); Kevin Tilden; Andy Wong, API Equality; and assistants to the named individuals acting on the named individuals' behalf.

6. Equality for All Campaign Committee Members:

On information and belief and based on review of lists maintained by members of the Equality for All campaign, the following is a list of the members of the campaign committee who regularly participated in the formulation of campaign strategy and messaging. There may be additional people who participated in discussions of campaign strategy and messaging. Because it is not possible to identify every person and define their role without reviewing all of the relevant emails (which cannot be done in the time allowed by the Court), I necessarily must reserve the right to add additional people when EQCA's email has been collected and reviewed:

Sarah Abernathy, San Fernando Valley Office Manager; Becca Ahuja, Deputy Field Director; Judy Appel, Our Family Coalition; Nancy J. Appel, Anti-Defamation League; Yali Bair, Planned Parenthood Affiliates of California; Juan Barajas, GLAAD; Eric C. Bauman, Los Angeles County Democratic Party; Ali Bay, Equality California, Communications Director; Jasmine Beach-Ferrara, The Progressive Project; Pamela Brown, Marriage Equality USA; Ron Buckmire, Jordan/Rustin Coalition; Leslie Bulbuk, Santa Clara County Local Action Committee

1 co-Director; Pat Callahan, co-chair Wine Country Committee Against Prop 8; Rea Carey,
 2 Executive Director, National Gay & Lesbian Task Force; Kerry Chaplin, California Faith for
 3 Equality; Jennifer Chrisler, Family Equality Council; Kalil Cohen, Trans Equality LA; Matt
 4 Coles, ACLU LGBT & AIDS Project; Ember Cook, Family Equality Council, Field Organizer;
 5 Candy Cox, Creative Director for Volunteer Media Efforts; Dayton Crummey; Herdon Davis,
 6 National Black Justice Coalition; Masen Davis, Transgender Law Center; Micah D. Davis,
 7 COLOR; Chelsea Del Rio, California NOW; Caroline Dessert, Regional Field Director; Michelle
 8 N. Deutchman, Anti-Defamation League; Julie Dorf, Horizons Foundation; Tom Dreher, HRC -
 9 Palm Springs; Francisco Duenas, Latino Coalition for Justice-LA /Lambda Legal; Rajat Dutta,
 10 Horizons Foundation; Rabbi Denise L. Eger, Congregation Kol Ami; Tom Felkner; Meredith
 11 Fenton, COLAGE; Aimee Fisher, Our Family Coalition; Alex Fukui, API Equality-LA; Stuart
 12 Gaffney, API Equality-SF; Simeon Gant, California NAACP; Shayna Gelender, ACLU of
 13 Northern California; Heather Gibson, Silverlake Co-Field Manager; Elizabeth Gill, ACLU
 14 Northern California; Shay Aaron Gilmore, (Bay Area Lawyers for Individual Freedom) BALIF;
 15 Sherry Groce, California NAACP; Andrea Guerrero, ACLU Foundation of San Diego and
 16 Imperial Counties; Elizabeth Hampton-Brown, PFLAG; Stu Harrison, Wine Country Committee
 17 Against Prop 8; Jasper Henricks; Kris Hermanns, NCLR, Campaign Communications; Evan
 18 Horowitz, House Parties / Fundraising Events; Jody Huckaby, PFLAG; Loren Javier, Lambda
 19 Legal; Sky Johnson, Deputy Campaign Manager; Hannah Johnson, Northern California Field
 20 Director; Kim Jones, PFLAG; Paul Karr, Gay & Lesbian Alliance Against Defamation; Alice
 21 Kessler, EQCA; Seth Kilbourn, Campaign manager; Rev. Peter Laarman ; Jeff Laterno;
 22 Carolyn Laub, GSA Network; John Lewis, Marriage Equality USA; Andy Linsky, HRC; Harvey
 23 Liss, Orange County Local Action Committee Director; Sandra Lowe; Sean Lund, Gay &
 24 Lesbian Alliance Against Defamation; Paul Marchegiani, BALIF; Clayton Marsh, Gay And
 25 Lesbian Alliance of the Central Coast (GALA); Laurie McBride, Stonewall Democrats
 26 California, Sacramento County Local Action Committee Director; Terry McGuire, Human Rights
 27 Campaign; Molly McKay, Marriage Equality USA; Daniel Medress, Democracy for America;
 28 Chase Mohny, Internet Consultant; Ron Oden, National Black Justice Coalition; Orla O'Keeffe,

1 House Party Coordinator; Trina Olson, Deputy Field Director; Roberto Isaac Ordeñana, San
 2 Francisco LGBT Community Center, San Francisco County Local Action Committee Director;
 3 Michelle Ortiz, Equality California; Vincent Pan, CAA Chinese for Affirmative Action; Debra
 4 Peevey, Statewide Faith Field Organizer; Denis Penn, American Institute of Bisexuality; David
 5 Pierce.; Paula Pilecki, Spectrum LGBT Center. Marin County Local Action Committee Director;
 6 Jeremy Pittman, HRC; Jenny Pizer, Lambda Legal; Corri Planck; Cesar Portillo, BIENESTAR;
 7 Rob Power, Libertarian Party Representative; Courtni Pugh, SEIU; Lindi Ramsden, Unitarian
 8 Universalist Legislative Ministry Action Network; Francine Ramsey, Zuna Institute; Sarah Reece,
 9 National Gay and Lesbian Task Force, Statewide Field Director; Abby Riskin, Family Equality
 10 Council; H. Alexander Robinson, National Black Justice Coalition; Rebecca Rolfe, San Francisco
 11 LGBT Community Center; Julia Rosen, Courage Campaign; Patrick Sammon, Log Cabin; Sarah
 12 Scanlon, Human Rights Campaign; Glen Schaller, Santa Cruz County No on 8 Local Action
 13 Committee Director; Scott Schmidt, Republicans Against 8; Rodney Scott, Christopher Street
 14 West, No on 8 Los Angeles County Local Action Committee Director; David Selberg, Pacific
 15 Pride Center (Santa Barbara); Aejaie Sellars, Billy DeFrank Lesbian & Gay Community Center,
 16 Santa Clara County Local Action Committee co-Director; Sara Shirrell, Planned Parenthood
 17 Affiliates Los Angeles; Bill Stewart, Business Council; Ron Suckle, Stonewall Democrats of
 18 Ventura County; Kara Suffredini, Family Equality Council; Jodi Swick; Che Tabisola, HRC;
 19 Sandra Telep, Pride At Work; Beth Teper, COLAGE; Anthony Thigpenn; Reverend Neil G
 20 Thomas, Metropolitan Community Church, LA; Samuel Thoron, PFLAG; Darrell Tucci, Liberty
 21 Hill; Andrea Villa, San Diego Democratic Club, No on 8 San Diego County Local Action
 22 Committee Director; Sid Voorakkara, San Diego No on 8 Local Action Committee; Karin Wang,
 23 Asian Pacific American Legal Center of Southern California; Thomas Watson, Love, Honor,
 24 Cherish; Mickey Welsh, Monterey County Local Action Committee Director; Anne-Marrie
 25 Williams, Jordan/Rustin; Ruth Williams, NCJW/LA; Phill Wilson, Black AIDS Institute; Chuck
 26 Wolfe, Gay & Lesbian Victory Fund and Leadership Institute; Natalie Wormeli, Yolo County
 27 Local Action Committee Director; Richard Zaldivar; George Zander, No on 8 Riverside County
 28 Local Action Committee Director

1 7. On information and belief and based on review of lists maintained by members of
2 the Equality for All campaign, the following is a list of the members of the Equality for All
3 Campaign staff who were involved in the formulation of campaign strategy and messaging:
4 Theresa Applegate, Field Organizer; Holli Banks, Volunteer Recruitment Manager, San
5 Francisco; Danielle Bernstein, Phone Bank Manager, San Francisco; Amber Burkan, Assistant to
6 Campaign Manager; Joscelyn Chapman, Field Organizer/ IPVR Coordinator; Vanessa Cosio,
7 Deputy Field Director; Julie Davis, Northern California Campaign Manager and Northern
8 California Political Director ; Ryan Darsey, Senior Field Organizer/North County Coordinator;
9 Eric Duran, Field Organizer/South Bay Coordinator; Simone Flores, San Diego Data Coordinator;
10 Bennett Foster, Sacramento County Local Action Committee; Jeffrey Girard, Field Organizer,
11 Sacramento; John Hainline, Field Organizer; Denise Heitzenroder, Regional Campus Director;
12 Amy Herndon Martin, Larena Iocco, Field Organizer, Data Team, San Francisco; Laila Johns,
13 Field Organizer, Volunteer Recruitment Team, San Francisco; Michael Kaiser-Nyman, Field
14 Organizer, Volunteer Recruitment Team, San Francisco; Sinakhone Keodara, Dawna Knapp,
15 Northern California Data Coordinator; Robert Koenig, LA Data Coordinator; Erika Larson, SF
16 Office Manager ; Jay Lee, Lead Field Organizer, South Bay/Peninsula; Vanessa Lopez, Wambui
17 Magua, Silverlake Confirm Call Coordinator, Dale Manzella, West LA IPVR Coordinator ;
18 Nathaniel Marken, Anne Marks, Regional Field Director; Nicholas Martinez, Field Organizer
19 (IPVR); Moof Mayeda, LA County Field Director ; Johanna Michael, Izaak Mills, Lilya
20 Mitelman, Confirmation Call Manager, San Francisco; Corlee Morris, Jeffrey Olsen, Jacqueline
21 Palmer, Phone Bank Manager; Hannah Pearson, Sabrina Petrescu, Gary Reinecke, Deputy Phone
22 Bank Manager, San Francisco; Christine Riley, Lead Field Organizer, South Bay/Peninsula;
23 Lindsay Roberts, Field Organizer, Phone Bank Team, San Francisco; Cameron Smith, Field
24 Organizer; Nicole Suell, Brandon Tate, Deputy Director of Election Day; Lindsay Waggerman,
25 Deputy Volunteer Recruitment Manager, San Francisco; A. Lee Watson III, Daniel Wherley,
26 Field Organizer (IPVR); and Yana Zhukova, Operations Manager.

27 8. Equality for All political consultants who were involved in the formulation of
28 campaign strategy and messaging:

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- The following consultants and their staff provided general consulting and campaign management services. Each played a significant role in formulating strategy and messaging: Steve Smith, Lilia Tamm, Molly Weedn and other employees of Dewey Square Group, LLC (lead political consultant; participated in formulating campaign strategy and messaging); Maggie Linden, Lindsey Nitta, Eddie Fernandez, Kris Hanson and other employees of Ogilvy Public Relations (lead messaging consultant; participated in formulating campaign strategy and messaging); Chad Griffin, Mark Armour and other employees of Armour Griffin Media Group, Inc. (produced advertising; participated in formulating campaign messaging); Kassy Perry and other employees of Perry Communications (public relations consultant; participated in formulating campaign messaging); Yvette Martinez and Javier Angulo of Progressive Strategy Partners LLC (Yvette Martinez served as State Wide Political Director of campaign; Javier Angulo served as Deputy State Wide Political Director and both participated in formulating campaign strategy and messaging); Patrick Guerriero and James Dozier of Gill Action (Patrick Guerriero served as Campaign Director; participated in formulating campaign strategy and messaging); Adam Freed (served as deputy campaign manager; participated in formulating campaign strategy and messaging); Joe Rodota (key strategy and messaging consultant), Guy Cecil (key strategy and messaging consultant), Rick Claussen (key strategy and messaging consultant), Gale Kaufman (key strategy and messaging consultant), Nick Donatiello (key strategy and messaging consultant), Phyllis Watts (key strategy and messaging consultant), and Thalia Zepatos (coordinated field operations; participated in formulating campaign strategy and messaging);
- The following consultants and their staff provided fundraising and

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accounting services. Each played a significant role in formulating messaging: Steve Mele and other employees of M L Associates, LLC (served as campaign treasurer; participated in formulating campaign strategy and messaging regarding fundraising); Kimberly Ray (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising), Marjan Philhour (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising), Stephanie Berger and other employees of Berger Hirschberg (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising); Shayna Englin (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising); Mary Pat Bonner and employees of The Bonner Group (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising); John Gile (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising), Thom Lynch (fundraising consultant; participated in formulating campaign strategy and messaging regarding fundraising);

- The following consultants and their staff provided web consulting services and played a significant role in formulating messaging: Larry Huynh and other employees of Blackrock Associates, LLC (web consulting);
- The following consultants and their staff provided outreach services to discrete voter groups. Each played a significant role in formulating messaging: Alice Huffman of A C Public Affairs, Inc. (outreach services); Wendy Liao and other employees of I W Group (outreach services);
- The following consultants and their staff provided advertising and focus group services. Each played a significant role in formulating and evaluating messaging: Justin Garrett and other employees of Logo Online/MTV Networks and Chris Nolan and other employees of Spot-On

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1 (internet advertising consultants; participated in formulating and evaluating
2 campaign messaging); Suzanne Stanford and other employees of Ofrenda
3 (focus group testing consultant; participated in formulating and evaluating
4 campaign messaging);

- 5 • The following consultants and their staff provided direct mail services and
6 played a significant role in formulating messaging: Eric Jaye of Storefront
7 Political Media; and
- 8 • The following consultants and their staff provided polling services. Each
9 played a significant role in formulating and evaluating messaging: David
10 Binder and other employees of Binder Research; and Celinda Lake and
11 other employees of Lake Associates.

12 **Reasonable Search Methodology**

13 9. As described in James Carroll’s declaration submitted to the Court on February 2,
14 2010, and which I herein incorporate by reference as it pertains to EQCA’s email system, EQCA
15 uses a central email server. While many emails are stored on the central server, individual staff
16 members can archive email messages and save those archives on their individual computers.
17 Approximately 75 people at EQCA could have potentially relevant emails, which would require
18 copying 75 hard drives. I have been informed by IT personnel at EQCA’s pro bono counsel,
19 Fenwick & West LLP, that copying 75 hard drives could take more than a week and that a
20 conservative estimate of the amount a client would be quoted would be \$30,000 for collecting and
21 processing the email. It is the normal practice of EQCA to delete the email accounts and all
22 saved email of staff members who leave the organization approximately 30 days after their
23 employment with EQCA has been terminated.

24 10. EQCA has approximately 27 to 30 gigabytes of email stored on its Microsoft
25 Exchange email server. I have been informed by IT personnel at EQCA’s pro bono counsel that
26 collecting and processing that amount of email would require several days of work at a cost of
27 \$14,000 to \$20,000. It would require a significant number of hours to review that many emails in
28 order to determine which emails contained relevant information and were communicated to

1 persons outside of the core group.

2 11. Accordingly, requiring EQCA to collect, process, review and produce all of these
3 emails and documents would be an incredible burden. In order to reduce the burden on third
4 party EQCA of complying with an order to produce relevant emails, EQCA proposes several
5 steps to reduce the amount of email to be collected and searched.

6 12. Many of the staff and board members of EQCA joined campaign-related email
7 lists and as a result received numerous emails each week during the campaign. The vast majority
8 of these emails are not relevant. They contain event announcements, fundraising updates,
9 meeting plans and other non-strategic subjects. EQCA proposes that only email sent by EQCA
10 staff members should be collected and reviewed, rather than all email sent and received. This
11 will eliminate a large number of regular weekly campaign updates that EQCA staff members
12 received during the campaign.

13 13. EQCA proposes that only the email of EQCA staff members with significant roles
14 in EQCA's efforts to raise funds for the campaign be collected and reviewed. As noted in my
15 declaration submitted to the Court on February 22, 2010, Equality for All is the organization that
16 coordinated the No on 8 – Equality for All campaign, not EQCA. As an organization, EQCA was
17 tasked with fundraising for the Equality for All campaign.

18 14. Proposition 8 qualified for the ballot on June 2, 2008. Discussions of campaign
19 strategy and messaging to convey to the voters after the proposition qualified EQCA proposes
20 that only email sent by EQCA staff between June 2, 2008 and November 4, 2008 be collected and
21 reviewed.

22 15. Finally, EQCA proposes that the following search terms be used to reduce the
23 number of email to be reviewed: "No on 8," "Yes on 8," "Prop 8," "Proposition 8," "Equality for
24 All," "Marriage Equality," and "ProtectMarriage.com."

25 16. These proposals will reduce the burden on third party EQCA while still including
26 the most relevant email communications regarding the EQCA's involvement in the No on 8 -
27 Equality for All campaign.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed on March 3, 2010 at San Francisco, California.

3
4 /s/ Geoff Kors

Geoff Kors

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7
8 **Attestation Pursuant to General Order 45**

9 Pursuant to General Order No. 45, Section X.B., I, Lauren Whittemore, hereby attest that I
10 have obtained concurrence of the signatory, Geoff Kors, indicated by a “conformed” signature
11 (/s/) within this e-filed document.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct. Executed on March 3, 2010 at San Francisco, California.

14 Dated: March 3, 2010

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17 By: /s/ Lauren Whittemore
Lauren Whittemore

18 Attorneys for Third-Party, Equality California
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