

1 COOPER AND KIRK, PLLC  
 Charles J. Cooper (DC Bar No. 248070)\*  
 2 *ccooper@cooperkirk.com*  
 David H. Thompson (DC Bar No. 450503)\*  
 3 *dthompson@cooperkirk.com*  
 Howard C. Nielson, Jr. (DC Bar No. 473018)\*  
 4 *hnielson@cooperkirk.com*  
 Nicole J. Moss (DC Bar No. 472424)\*  
 5 *nmoss@cooperkirk.com*  
 Jesse Panuccio (DC Bar No. 981634)\*  
 6 *jpanuccio@cooperkirk.com*  
 Peter A. Patterson (Ohio Bar No. 0080840)\*  
 7 *ppatterson@cooperkirk.com*  
 1523 New Hampshire Ave., N.W.  
 8 Washington, D.C. 20036  
 Telephone: (202) 220-9600, Facsimile: (202) 220-9601  
 9

10 LAW OFFICES OF ANDREW P. PUGNO  
 Andrew P. Pugno (CA Bar No. 206587)  
*andrew@pugnotlaw.com*  
 11 101 Parkshore Drive, Suite 100, Folsom, California 95630  
 Telephone: (916) 608-3065, Facsimile: (916) 608-3066  
 12

13 ALLIANCE DEFENSE FUND  
 Brian W. Raum (NY Bar No. 2856102)\*  
*braum@telladf.org*  
 14 James A. Campbell (OH Bar No. 0081501)\*  
*jcampbell@telladf.org*  
 15 15100 North 90th Street, Scottsdale, Arizona 85260  
 Telephone: (480) 444-0020, Facsimile: (480) 444-0028  
 16

17 ATTORNEYS FOR DEFENDANT-INTERVENORS DENNIS HOLLINGSWORTH,  
 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, MARK A. JANSSON, and  
 18 PROTECTMARRIAGE.COM – YES ON 8, A  
 PROJECT OF CALIFORNIA RENEWAL

19 \* Admitted *pro hac vice*

20 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

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

23  
 24 Plaintiffs,

25 v.

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

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS  
 DENNIS HOLLINGSWORTH, GAIL  
 KNIGHT, MARTIN GUTIERREZ,  
 MARK JANSSON, AND  
 PROTECTMARRIAGE.COM'S  
 RESPONSE TO APRIL 17, 2010  
 ORDER**

Judge: Chief Judge Vaughn R. Walker

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

12 Defendants,

13 and

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

21 Defendant-Intervenors.

22 Additional Counsel for Defendant-Intervenors

23 ALLIANCE DEFENSE FUND

24 Timothy Chandler (CA Bar No. 234325)

25 *tchandler@telladf.org*

26 101 Parkshore Drive, Suite 100, Folsom, California 95630

27 Telephone: (916) 932-2850, Facsimile: (916) 932-2851

28 Jordan W. Lorence (DC Bar No. 385022)\*

*jlorence@telladf.org*

Austin R. Nimocks (TX Bar No. 24002695)\*

*animocks@telladf.org*

801 G Street NW, Suite 509, Washington, D.C. 20001

Telephone: (202) 393-8690, Facsimile: (202) 347-3622

\* Admitted *pro hac vice*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

On April 17, 2010, the Court ordered the parties to continue to “confer and negotiate” in an effort to “reach a stipulation that will resolve remaining discovery issues.” Doc # 634 at 2. The Court directed that if “the parties and nonparties are unable to reach a resolution,” they were “to inform the court in writing, either jointly or separately, not later than 5 PM PDT on April 22, 2010.” *Id.*

As directed, the parties have engaged in further conferences and negotiations, but unfortunately they have not been able to come to a resolution. *See* Declaration of Jesse Panuccio (April 22, 2010) and exhibits attached thereto. Accordingly, Proponents respectfully renew their motion to hold nonparties No on Proposition 8, Campaign for Marriage Equality, A Project of the American Civil Liberties Union and Equality California in contempt for their failure to produce pursuant to this Court’s orders. *See* Doc # 632.

Dated: April 22, 2010

COOPER AND KIRK, PLLC  
ATTORNEYS FOR DEFENDANTS-INTERVENORS  
DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,  
MARTIN F. GUTIERREZ, MARK A. JANSSON, AND  
PROTECTMARRIAGE.COM – YES ON 8, A PROJECT  
OF CALIFORNIA RENEWAL

By: /s/ Charles J. Cooper  
Charles J. Cooper