

# EXHIBIT B

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**CERTIFIED  
COPY**

KRISTIN M. PERRY, et al.,

Plaintiffs,

vs.

Case No. 09-CV-2292 VRW

ARNOLD SCHWARZENEGGER,  
et al.,

Defendants.

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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

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I N D E X

Deposition of RONALD PRENTICE  
Volume I, Thursday, December 17, 2009

	Page
EXAMINATION BY MS. STEWART	9

Certified Questions:

Page	Line
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1 BE IT REMEMBERED THAT, pursuant to Notice, and on  
2 Thursday, December 17, 2009, commencing at the hour of  
3 8:55 o'clock a.m. thereof, at the SHERATON GRAND HOTEL,  
4 Falor Room, Sacramento, California 95814, before me,  
5 LESLIE CASTRO, a Certified Shorthand Reporter in and for  
6 the State of California, personally appeared

7 RONALD PRENTICE

8 Called as a witness, who, being by me first duly sworn,  
9 was thereupon examined and testified as hereinafter set  
10 forth.

11

12 APPEARANCES:

13 OFFICE OF THE CITY ATTORNEY, Fox Plaza, Seventh  
14 Floor, 1390 Market Street, San Francisco, California  
15 94102, represented by THERESE M. STEWART, Deputy City  
16 Attorney, appeared as counsel on behalf of the City and  
17 County of San Francisco.

18 GIBSON, DUNN & CRUTCHER, LLP, 555 Mission Street,  
19 Suite 3000, San Francisco, California 94105-2933,  
20 represented by SARAH E. PIEPMEIER, Attorney at Law,  
21 appeared as counsel on behalf of the Plaintiffs.

22 COOPER & KIRK, 1523 New Hampshire Avenue, N.W.,  
23 Washington, D.C. 20036, represented by NICOLE J. MOSS,  
24 Attorney at Law, appeared as counsel on behalf of  
25 Ronald Prentice.

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LAW OFFICES OF ANDREW P. PUGNO, 101 Parkshore  
Drive, Suite 100, Folsom, California 95630, represented  
by ANDREW P. PUGNO, Attorney at Law, appeared as counsel  
on behalf of the Ronald Prentice.

Also Present: Mike Tunick, Videographer, Jill Habig

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEOGRAPHER: Going on the record at 8:55 a.m  
3 it's December 17th, 2009. Start of the deposition of  
4 Mr. Ronald Prentice in the matter of Kristin and Perry,  
5 et al. versus Arnold Schwarzenegger, et al. For the  
6 U.S. District Court, Northern District of California.  
7 Case number 09-CV-2292 VRW.

8 We're located at the Sheraton Hotel in downtown  
9 Sacramento.

10 Videographer is Mike Tunick in Rohnert Park. And  
11 I've been retained by the San Francisco City Attorney's  
12 Office.

13 And if we could now have our attorneys present  
14 please introduce themselves.

15 MS. STEWART: Therese Stewart, Chief Deputy City  
16 Attorney for the City and County of San Francisco here  
17 to take the deposition on behalf of the plaintiffs in  
18 the case.

19 MS. HABIG: Jill Habig with the City and County of  
20 San Francisco.

21 MS. PIEPMEIER: Sarah Piepmeier, Gibson and Dunn  
22 for plaintiffs.

23 MS. MOSS: Nicole Moss with Cooper & Kirk  
24 representing the defendant intervenors and the witness  
25 Ronald Prentice.

1 deposition?

2 A. Met with counsel to go over the questions that  
3 were asked.

4 Q. And by the questions that were asked, let me  
5 ask you: You have come here today pursuant to a notice  
6 of deposition; is that correct?

7 A. Correct.

8 Q. And in fact, you've come pursuant to two  
9 notices of deposition; do you understand that?

10 A. Yes.

11 Q. And one of those is what we call a 30(b)(6)  
12 deposition which lists some subject areas that I presume  
13 you've seen that notice?

14 A. Yes.

15 Q. And the other one is a deposition notice that  
16 just seeks you to come in your capacity as somebody with  
17 knowledge generally about the topics that are relevant  
18 to this case.

19 Do you understand that?

20 A. Yes. Yes.

21 MS. STEWART: And for the record, and for Nikki's  
22 benefit, I just want to say -- I'm sorry, Ms. Moss --  
23 that because you asked us to combine these depositions,  
24 take them, sort of, together, I didn't try too hard to  
25 separate the 30(b)(6) issues from the other issues

1 because there's, kind of, a -- there's no easy way to do  
2 that.

3 So I am just going to try to proceed in a way that  
4 gets us through efficiently. And, you know, if you have  
5 an issue with a question, obviously you can object. But  
6 I'm not saying this part is 30(b)(6), this part is  
7 personal. It's kind of a combined effort.

8 MS. MOSS: That's fine. And if at any point I  
9 think it needs to be clarified who he's speaking on  
10 behalf of, I'll ask so I understand, and that's fine to  
11 proceed in that manner.

12 MS. STEWART: Q Besides your counsel, have you  
13 spoken with anyone else to prepare for your deposition  
14 today?

15 A. No.

16 Q. And did you review any materials in  
17 preparation for your deposition today?

18 A. Yes.

19 Q. What did you review?

20 A. The materials that Shubert and Flint compiled  
21 post -- post-campaign of all of the public  
22 communications.

23 Q. And what were those materials?

24 A. Oh, everything from television ads, E-mail  
25 blasts, letters to the editor, op-eds, radio ads in



1 apologize, we will have this printed out later -- but  
2 when the language on the website again says "That  
3 ProtectMarriage.com is a broad-based coalition of  
4 California families, community leaders, religious  
5 leaders, pro family organizations, and individuals from  
6 all walks of life who have joined together to support  
7 Proposition 8."

8           So in some sense, did those entities, those  
9 groups, families, religious leaders, et cetera join  
10 together to support Proposition 8?

11           A. I would say -- I would not agree with the  
12 accuracy of that statement on the website. I would  
13 have -- I would have taken issue with it and --

14                           (Ms. Piepmeier leaves the room.)

15           THE WITNESS: -- and said working towards the  
16 passage. And I would have left out "joined together."

17           MS. STEWART: Q So speaking now about  
18 ProtectMarriage.com the ballot measure committee, the  
19 one that supported Proposition 8, when was that  
20 committee formed?

21           A. To the best of my knowledge, the middle of  
22 November, '07.

23           Q. Was a website then created by that committee  
24 or for that committee?

25           A. There had been a website during that time,

1 communications that were from -- that referred to  
2 ProtectMarriage.com to make a distinction between the  
3 coalition that's mentioned on Exhibit 25 and the  
4 ProtectMarriage campaign executive committee?

5 A. Did I expect the voters to be able to make a  
6 distinction between what --

7 Q. Between -- in reviewing communications that  
8 they received from ProtectMarriage.com that referred to  
9 ProtectMarriage.com, did you expect voters to  
10 distinguish between the executive committee or the  
11 primarily formed ballot committee on the one hand, and  
12 the broad coalition that you've described on -- or that  
13 is described on Exhibit 25 in the last paragraph?

14 A. Well, I can't speak for everyone who wrote on  
15 behalf of the campaign committee. But I think that  
16 there were very clearly incidents where we were very  
17 specific about the ProtectMarriage.com-Yes on 8 campaign  
18 committee.

19 Q. What were you the chairman of?

20 A. I was the chairman of the ad hoc executive  
21 committee.

22 Q. Were you also the chairman of ProtectMarriage  
23 in the broader sense of that term?

24 A. Define the broader sense of the term.

25 Q. The coalition described at the bottom of

1 Exhibit 25.

2 A. No, because there was no -- there was no  
3 organization as such.

4 Q. Look back at Exhibit 26, if you would.

5 Do you see at the top it has a photograph of  
6 you?

7 A. Yes.

8 Q. And underneath it says "Ron Prentice,  
9 coalition chairman"?

10 A. Yes.

11 Q. Does that suggest that you were the chairman  
12 of the broad-based coalition that is referred to in so  
13 many of the communications from ProtectMarriage.com?

14 A. I would say wrongly so, yes.

15 MS. STEWART: I'm going to give you what we'll mark  
16 as 29.

17 (Whereupon, Exhibit No. 29 was  
18 Marked for identification.)

19 MS. STEWART: Q Take a minute to look at it and  
20 tell me if you have ever seen this document before.

21 (Pause in the proceedings.)

22 THE WITNESS: I've never seen this document before.

23 MS. STEWART: Q In any event, do you recall  
24 participating in a conference call organized by the  
25 Pastors Rapid Response Team on or about July 30th, 2008?

1           A.    No.

2           Q.    Are you aware that he participated in some of  
3 the simulcasts that you testified about earlier?

4           A.    You remind me that his name may have been in  
5 the one that you pointed out to me.  But I don't recall  
6 his involvement.

7           Q.    Was Focus on the Family one of the churches,  
8 organizations and individuals that was described as the  
9 coalition -- the ProtectMarriage.com coalition?

10          MS. MOSS:  I'll object to the extent the term  
11 "coalition" or the description -- your understanding of  
12 coalition, you can answer.

13          THE WITNESS:  I would again reframe it.  I would  
14 say that Focus on the Family was described in our -- in  
15 the committees -- in the campaign committee's  
16 communications as participating for the passage of  
17 Prop 8.

18          MS. STEWART:  Q  And earlier we saw an exhibit  
19 which was a ProtectMarriage.com communication from your  
20 press consultants, as I recall, that described  
21 ProtectMarriage.com as a -- I want to get the exact  
22 terminology so nobody objects --

23                   I'm looking back again at Exhibit 25, which is  
24 what I was referring to.  We looked at this exhibit and  
25 the language that was used by the people who prepared

1 the press release for ProtectMarriage.com is broad-based  
2 coalition of California families, community leaders,  
3 religious leaders, pro-family organizations and  
4 individuals from all walks of life."

5 I recognize that as not your phrasing that you  
6 drafted. But within the description that they have  
7 given, would you consider Focus on the Family to be part  
8 of that group?

9 A. If we are defining coalition as a loose  
10 association of people walking in the same direction.

11 Q. Using your definition of "coalition" that you  
12 just gave, a loose association of people walking in the  
13 same direction, and adding to it the direction being to  
14 pass Proposition 8, would you consider the National  
15 Organization for Marriage to be part of that coalition?

16 A. Yes.

17 Q. How about the Knights of Columbus, would you  
18 consider them to be part of the coalition?

19 A. Again, the coalition being people who, and  
20 organizations that supported the passage of Prop 8?  
21 Yes.

22 Q. And how about Catholics for the Common Good,  
23 were they part of that coalition?

24 A. Yes.

25 Q. How about Catholics for ProtectMarriage.com,

1 were they part of the coalition?

2 MS. MOSS: Same definition?

3 MS. STEWART: Yes.

4 THE WITNESS: Yes.

5 MS. STEWART: Q And how about the California  
6 Catholic Conference, were they part of that coalition?

7 A. I think up to now you've talked about  
8 activity. And when you name the structure of the  
9 Catholic Conference, that's an endorsement.

10 Q. I'm a little confused by your answer.

11 Are you saying that the California Catholic  
12 Conference didn't play any kind of active role but  
13 rather simply endorsed Proposition 8?

14 A. The California Catholic Conference of Bishops?

15 Q. Yes.

16 A. Yes, endorsed Prop 8.

17 Q. And how about the U.S. Conference of Catholic  
18 Bishops, were they a member of coalition as we've been  
19 using that term in the last few questions?

20 A. Their objective was to participate in the  
21 passage of Prop 8.

22 Q. So again, my question -- I want to make sure I  
23 get the question I asked answered. And sometimes it's,  
24 kind of, a "yes" or "no" question.

25 Would you consider the U.S. Conference of

1 Catholic Bishops to be part of the coalition as we  
2 defined it a few minutes ago?

3 A. By saying that -- the definition that we used  
4 a few minutes ago talked about activity and action. And  
5 in my clarification regarding the California Catholic  
6 Conference of Bishops, I referred to an endorsement  
7 versus an activity. And the U.S. Council of Catholic  
8 Bishops is more of an endorsement than it is an  
9 activity.

10 Q. Okay.

11 Are you familiar with a website called  
12 MarriageMattersToKids.org?

13 A. No.

14 Q. Did ProtectMarriage.com, the primary ballot  
15 committee, the narrow ProtectMarriage.com, have a U-Tube  
16 channel that it used to communicate with voters?

17 A. Not to my knowledge.

18 Q. The Rock Church, Pastor McPherson's church in  
19 San Diego, is that part of the ProtectMarriage.com  
20 coalition as we defined it a few minutes ago?

21 A. Actively working to pass Proposition 8?

22 Q. Yes.

23 A. The Rock Church did so, yes.

24 Q. And did the Skyline Church also do so?

25 A. Yes.

1 Q. And did Pastor Garlow and Pastor McPherson  
2 also do so?

3 A. As the heads of those churches?

4 Q. Yes.

5 A. Yes.

6 Q. Did -- never mind.

7 How about The Pacific Justice Institute, did  
8 that entity, to your knowledge, play any role in the  
9 passage of Proposition 8?

10 A. Yes.

11 Q. What role did The Pacific Justice Institute  
12 play?

13 MS. MOSS: Lack of foundation. But to the extent  
14 you know, you can answer.

15 MS. STEWART: You know what, I'd stipulate that you  
16 can preserve that objection for every question if you  
17 want --

18 MS. MOSS: It's not for every question. I want it  
19 to be clear on the record that you're asking him areas  
20 that he may have limited knowledge. But I want it to be  
21 clear for the record he --

22 MS. STEWART: I'm saying "to your knowledge."

23 MS. MOSS: -- established --

24 MS. STEWART: Obviously, if he doesn't know --

25 MS. MOSS: Well --



1 MS. STEWART: -- know.

2 MS. MOSS: But even if he knows something, it  
3 doesn't mean that you've established that he has a basis  
4 for accurate or complete or detailed information.

5 MS. STEWART: I'm not suggesting that by my  
6 question.

7 MS. MOSS: Well --

8 MS. STEWART: Make your objection. That's all  
9 right.

10 Q. So what role did Pacific Justice Institute  
11 play, to your knowledge?

12 A. Pacific Justice Institute promoted the passage  
13 of Prop 8 on their own website.

14 Q. Did the American Family Association, to your  
15 knowledge, promote the passage of Proposition 8 on its  
16 own website?

17 A. I'm not sure.

18 Q. Did Focus on the Family promote passage of  
19 Proposition 8 on its website?

20 A. Yes.

21 Q. Did the Family -- let me reframe that.

22 Did the -- I think you testified earlier that  
23 you did not know whether the Mormon Church had a website  
24 specifically to promote Proposition 8; correct?

25 A. Correct.

1 Q. Do you know whether the Mormon Church used any  
2 website to promote passage of Proposition 8?

3 A. No, I don't know.

4 Q. Is the Family Research Council a part of the  
5 coalition that we defined earlier, shortly ago that  
6 works to pass Proposition 8?

7 A. You mean the vague non-descript loose  
8 association that you're referring to as the coalition?

9 Q. Yes.

10 A. Family Research Council participated in the  
11 promotion of the passage of Proposition 8.

12 Q. And not only am I using it that way, but  
13 ProtectMarriage.com in its communications has sometimes  
14 used it that way; correct?

15 A. I don't know that that wording has ever been  
16 used.

17 Q. Well, the Exhibit 25 that we've gone back to a  
18 few times uses the phrase "coalition" referring to a  
19 broad-based coalition of California families, community  
20 leaders, religious leaders, pro-family organization and  
21 individuals from all walks of life who have joined  
22 together to support Proposition 8." That's the  
23 coalition I'm referring to, that description.

24 Do you understand that?

25 A. I understand that you're saying that, yes.

1 Q. Was the Family Research Council a part of that  
2 coalition?

3 A. I would probably go back to take issue with  
4 what I'm understanding to be your interpretation of this  
5 coalition. My sense is that you -- my sense is that  
6 you're inferring that it's something monolithic and that  
7 the committee is authoritarian.

8 Q. I'm not at all. I'm not inferring anything of  
9 the sort. I'm taking the language used by  
10 ProtectMarriage.com in its press release and in which --

11 A. This is -- I see what you're saying.

12 Q. -- without any other adjectives or descriptors  
13 of how it functions. But rather a -- I'm using the term  
14 "coalition" or "The ProtectMarriage.com coalition" to  
15 refer to a broad-based coalition of California families,  
16 community leaders, religious leaders, pro-family  
17 organizations and individuals from all walks of life who  
18 have joined together to support Proposition 8." That's  
19 it. That's the definition. Okay?

20 A. Okay.

21 Q. Can we have that understanding that that's how  
22 I'm using the word in my question?

23 A. Well, actually, I would prefer that we could  
24 understand that it's a vague non-descript loose  
25 assimilation of groups attempting to pass Proposition 8.

1 MS. STEWART: Can you read that back.

2 (Record read.)

3 MS. STEWART: Q Have you ever referred to the  
4 coalition of groups that worked to pass Proposition 8 in  
5 the way you just stated a minute, that is as a vague,  
6 non-descript, assimilation of groups attempting to pass  
7 Proposition 8?

8 A. No.

9 Q. I would prefer to stick to the description  
10 that ProtectMarriage.com has used on its own materials  
11 rather than come up with something completely different,  
12 if you don't mind.

13 And it's my understanding that that  
14 description is still on ProtectMarriage.com's website  
15 today. And it's the same language that's in this  
16 Exhibit 25, a broad-based coalition of California  
17 families, community leaders, religious leaders,  
18 pro-family organizations and individuals from all walks  
19 of life who have joined together to support  
20 Proposition 8.

21 So that's how I'm using the term coalition in  
22 my question. And you can say "yes" or "no" and if it  
23 doesn't fit, it doesn't fit.

24 So with that understanding of the term  
25 "coalition," was the Family Research Council apart of

1 that coalition?

2 THE WITNESS: Can I?

3 MS. MOSS: Yes.

4 (Pause in the proceedings.)

5 THE WITNESS: Would you repeat the question?

6 (Record read.)

7 THE WITNESS: As I understand the definition that  
8 you're using for "coalition," no.

9 MS. STEWART: Q And was Advocates for Faith and  
10 Freedom a part of that coalition?

11 A. No.

12 Q. And how about the Western Center for Law and  
13 Policy?

14 A. No.

15 Q. And how about Fieldstead and Company?

16 A. No.

17 Q. How about the Concerned Women for America?

18 A. No.

19 MS. STEWART: Duly noted, thank-you, Mr. Pugno.

20 We will stop and give everybody a rest until  
21 morning.

22 THE VIDEOGRAPHER: This marks the end of tape No. 5  
23 in volume 1. And we're off the record at 7:03.

24 COURT REPORTER: For the record, who would like a  
25 copy?

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MS. MOSS: Yes.

(Whereupon, the deposition adjourned.

At 7:03 p.m.)

RONALD PRENTICE

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA )  
 ) Ss.  
COUNTY OF CONTRA COSTA )

I LESLIE CASTRO, CSR, hereby certify:

I am a duly qualified Shorthand Reporter in the State of California, holder of Certificate Number 8876 issued by the Court Reporter's Board of California and which is in full force and effect. (Fed R. Civ. P. 28(a)).

I am authorized to administer oaths of affirmations pursuant to California Code of Civil Procedure, Section 2093(b), and prior to being examined, the deponent was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f) (1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record

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)).

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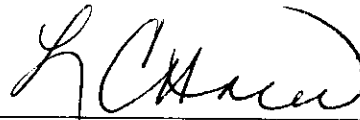
12 Dated: 28th of December, 2009.

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LESLIE CASTRO, CSR  
State of California  
CSR License No. 8876

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