

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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KRISTIN M. PERRY, et al.,

Plaintiffs,

vs.

Case No. 09-CV-2292 VRW

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

_____ /

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

10:16:35 1 MS. STEWART: Just before you respond, I want to
 10:16:37 2 see if we can make a stipulation for the record going
 10:16:40 3 forward that I don't have to repeatedly ask the witness
 10:16:45 4 if he is going to follow your instruction.
 10:16:48 5 MS. MOSS: That is fine.
 10:16:49 6 MS. STEWART: I'm going to pretty much assume it
 10:16:51 7 unless there's something in the way he answers it
 10:16:52 8 that --
 10:16:54 9 MS. MOSS: Sure.
 10:16:55 10 MS. STEWART: -- that assumes otherwise.
 10:16:58 11 **Q. So going back to the question with your**
 10:17:03 12 **counsel's instruction, who was on the ad hoc committee**
 10:17:04 13 **that the board of directors of California Renewal gave**
 10:17:07 14 **authority to form a ballot committee?**
 10:17:11 15 A. There was myself. There was Ned Dolejsi.
 10:17:13 16 There was Mark Jansson. And there's the anonymous
 10:17:18 17 person.
 10:17:19 18 **Q. What was the last name?**
 10:17:20 19 A. I said anonymous.
 10:17:23 20 **Q. Yourself, Ned Dolejsi, Mr. Jansson?**
 10:17:27 21 A. Yes.
 10:17:29 22 **Q. And then an anonymous person?**
 10:17:33 23 A. A person who chooses to remain confidential.
 10:17:40 24 **Q. Did you form an entity that is -- did that ad**
 10:17:46 25 **hoc committee then form an entity?**

10:17:48 1 A. Yes.
 10:17:48 2 **Q. And what is that entity?**
 10:17:51 3 A. The primarily formed ballot measure committee
 10:17:55 4 of ProtectMarriage.com--Yes on 8.
 10:17:58 5 **Q. And what is the form of that entity, if you**
 10:18:01 6 **know?**
 10:18:02 7 A. When you say "form" --
 10:18:04 8 **Q. I mean the legal organization.**
 10:18:06 9 A. Again, I would -- the best I can do is a
 10:18:09 10 ballot measure committee.
 10:18:19 11 **Q. Is -- what is the title of that ballot measure**
 10:18:28 12 **committee?**
 10:18:31 13 A. ProtectMarriage.com--Yes on 8.
 10:18:33 14 **Q. Is ProtectMarriage.com used in any sense**
 10:18:39 15 **that's broader than that ballot measure committee?**
 10:18:47 16 A. As you know, there are now -- there is now a
 10:18:56 17 (c)(3) and (c)(4), ProtectMarriage.com Education
 10:19:01 18 Foundation and ProtectMarriage.com Action Fund.
 10:19:04 19 **Q. Do you sometimes use ProtectMarriage.com to**
 10:19:06 20 **describe a coalition of entities?**
 10:19:16 21 A. I think that there are a number of entities
 10:19:19 22 that would say that they align with the general purposes
 10:19:32 23 of ProtectMarriage.com.
 10:19:36 24 MS. STEWART: I'm going to have marked as
 10:19:38 25 Exhibit 1.

10:19:38 1 (Whereupon, Exhibit No. 1 was
 10:19:54 2 Marked for identification.)
 10:20:06 3 MS. STEWART: Q A document that at the top says
 10:20:08 4 "Protect Marriage." And I'm going to ask you to take a
 10:20:15 5 look at it and tell me if you recognize it.
 10:20:37 6 (Pause in the proceedings.)
 10:20:38 7 THE WITNESS: I would say I can only go so far as
 10:20:42 8 to say I'm familiar with its general content. I don't
 10:20:45 9 know if it's in any way been altered, but yes.
 10:20:48 10 MS. STEWART: Q And on the left, it has, sort of,
 10:20:52 11 a gray box that says "ProtectMarriage.com" and has some
 10:20:57 12 little people.
 10:20:59 13 Do you see that?
 10:20:59 14 A. Yes.
 10:21:00 15 **Q. Is that the logo of ProtectMarriage.com or a**
 10:21:07 16 **logo?**
 10:21:08 17 (Ms. Piepmeier enters the room.)
 10:21:16 18 THE WITNESS: I wouldn't say that it's a formal
 10:21:19 19 logo, no.
 10:21:21 20 MS. STEWART: Q Has ProtectMarriage.com --
 10:21:26 21 A. Thank-you.
 10:21:26 22 **Q. -- does it have a logo that it has adopted?**
 10:21:39 23 A. There was a logo that was used during the
 10:21:42 24 campaign. So when you refer to ProtectMarriage.com, it
 10:21:48 25 does not have a formal logo.

10:21:52 1 **Q. Was there a logo that it used on its website?**
 10:22:04 2 MS. MOSS: Just by point of clarification,
 10:22:05 3 objection. When you're referring to
 10:22:09 4 ProtectMarriage.com, are you referring to -- I guess
 10:22:12 5 what specifically are you referring to? Is it a
 10:22:16 6 shorthand for Yes on 8 or --
 10:22:19 7 MS. STEWART: You're getting to my other line of
 10:22:21 8 questioning, which I diverted from. So let me go back
 10:22:24 9 to that and then we'll go back to the logo.
 10:22:27 10 As I mentioned earlier, sometimes it's not a linear
 10:22:31 11 process, this deposition business.
 10:22:33 12 **Q. Do you see the first paragraph of this**
 10:22:35 13 **document where it says "ProtectMarriage.com is a growing**
 10:22:38 14 **broad-based coalition of organizations, churches and**
 10:22:42 15 **individuals who believe that marriage's foremost purpose**
 10:22:47 16 **is raising of healthy children in a family with a mom**
 10:22:50 17 **and a dad"?**
 10:22:51 18 A. Yes.
 10:22:52 19 **Q. Is that language that was on**
 10:22:54 20 **ProtectMarriage.com's website at some point in time?**
 10:23:00 21 A. Apparently, this was printed off of its
 10:23:02 22 website, and so I would imagine so.
 10:23:05 23 **Q. And is it accurate that the title**
 10:23:08 24 **"ProtectMarriage.com" was used to refer to a broad-based**
 10:23:13 25 **coalition of organizations and people?**

10:23:19 1 A. I would say that ProtectMarriage.com was
 10:23:24 2 used -- I would say "yes," and definitely say a
 10:23:40 3 broad-based coalition -- loose -- loosely.
 10:23:46 4 **Q. And when you say "loosely," what do you mean?**
 10:23:49 5 A. It's a loosely-formed coalition.
 10:23:52 6 **Q. And who -- what were the organizations that**
 10:24:00 7 **were part of that loosely-based coalition?**
 10:24:04 8 MS. MOSS: I'm going to object to the extent
 10:24:06 9 that -- two grounds: One, I still don't think it's
 10:24:13 10 clear exactly which --
 10:24:13 11 THE WITNESS: I agree.
 10:24:14 12 MS. MOSS: -- entity, ProtectMarriage.com entity
 10:24:15 13 that you're referring to. But secondly, to the extent
 10:24:18 14 you understand or believe -- understand what entity
 10:24:23 15 she's referring to, if it's the Yes on 8 committee, if
 10:24:28 16 they were affiliated with organizations and that's
 10:24:31 17 publicly known, you can disclose that. If there was any
 10:24:35 18 private affiliations that are not publicly known, I
 10:24:39 19 instruct you not to answer.
 10:24:40 20 THE WITNESS: And I interpret your question to
 10:24:42 21 refer to the Yes on 8 campaign. And there were people
 10:24:46 22 that would go on to the website and sign on endorsing
 10:24:50 23 it. And that's how loose and how broad-based we
 10:24:55 24 interpreted the coalition to be.
 10:24:58 25 MS. STEWART: Q And so when the website here

10:25:07 1 refers to a broad-based coalition of organizations,
 10:25:09 2 churches and individuals, was that coalition formed
 10:25:18 3 solely by people signing on to the website?
 10:25:21 4 A. Well, actually, as I see at the bottom of
 10:25:24 5 this, it says "2005." So this may be -- if it's 2005,
 10:25:31 6 it obviously came before the formation of the ballot
 10:25:36 7 measure committee.
 10:25:41 8 And I don't know even then whether -- well,
 10:25:43 9 there's a page on the left it says "Endorsement" so I
 10:25:47 10 guess there was opportunity for people to align with
 10:25:51 11 this general cause.
 10:25:53 12 **Q. So let me go back to 2005 then.**
 10:25:56 13 **And ask you: Was -- was there an entity to**
 10:26:03 14 **your knowledge called ProtectMarriage.com in 2005?**
 10:26:10 15 A. No, not an entity. There have been times
 10:26:20 16 over -- there have been -- ProtectMarriage.com has been
 10:26:26 17 more a general -- general purpose of -- for the benefit
 10:26:38 18 of traditional marriage. And there have been -- and
 10:26:45 19 prior to the Yes on 8 campaign, there was not an
 10:26:51 20 official entity.
 10:26:54 21 **Q. Was there something other than an official**
 10:26:58 22 **entity that you understood ProtectMarriage.com to refer**
 10:27:04 23 **to before -- let's say before 2008?**
 10:27:12 24 A. I think that I understood ProtectMarriage.com
 10:27:17 25 prior to the ballot measure committee to be, again, a --

10:27:24 1 a generally directed purpose, not an entity.
 10:27:33 2 **Q. Was it a coalition?**
 10:27:39 3 A. Only to the extent that people aligned with a
 10:27:42 4 generally directed purpose.
 10:27:46 5 **Q. Do you recall who was part of that coalition**
 10:27:55 6 **prior to the 2008?**
 10:27:57 7 A. Prior to the forming of the ballot measure
 10:27:58 8 committee, as it reads here, it's a broad-based
 10:28:06 9 coalition of organizations, churches and individuals,
 10:28:08 10 and so there was no list. There was no -- there was no
 10:28:16 11 entity.
 10:28:17 12 **Q. Was there a website?**
 10:28:20 13 A. Apparently, this came off of a website and
 10:28:24 14 it's copyright '05.
 10:28:26 15 **Q. And did you have anything to do with that**
 10:28:28 16 **website prior to 2008?**
 10:28:37 17 A. I did not have anything to do with the
 10:28:39 18 creation of the website, no.
 10:28:42 19 **Q. Do you know who did?**
 10:28:48 20 A. There has been a -- a changing relatively
 10:28:57 21 fluid group of individuals who attempted to keep the
 10:29:07 22 public informed of what was going on legally with
 10:29:12 23 marriage.
 10:29:15 24 **Q. But do you know who created the**
 10:29:22 25 **ProtectMarriage.com website that existed before 2008?**

10:29:31 1 A. I go not know who is responsible for its
 10:29:33 2 creation.
 10:29:34 3 **Q. Was it someone who worked for the California**
 10:29:36 4 **Family Council?**
 10:29:37 5 A. No.
 10:29:37 6 **Q. And I believe you said that California Renewal**
 10:29:42 7 **had no employees; correct?**
 10:29:43 8 A. Correct.
 10:29:46 9 **Q. So you have no idea, as you sit here, who was**
 10:29:49 10 **responsible for creating the ProtectMarriage.com website**
 10:29:53 11 **before 2008?**
 10:29:54 12 A. Well, I have some idea in that I've referred
 10:29:58 13 to a fluid committee of people. But I do not -- I do
 10:30:03 14 not know precisely who pulled this trigger.
 10:30:08 15 **Q. If you look at the bottom of Exhibit 1,**
 10:30:10 16 **there's a copyright designation it says "Copyright 2005**
 10:30:16 17 **ProtectMarriage.com."**
 10:30:17 18 **Do you see that?**
 10:30:18 19 A. Yes.
 10:30:18 20 **Q. And then it also says "After all rights**
 10:30:23 21 **reserved," it says "ProtectMarriage.com, a project of**
 10:30:29 22 **California Renewal."**
 10:30:29 23 **Do you see that?**
 10:30:30 24 A. Yes.
 10:30:31 25 **Q. Was there a project of California Renewal in**

10:47:25 1 MS. STEWART: I'm not. I'm asking for his
 10:47:27 2 understanding.
 10:47:29 3 THE WITNESS: I think that the measure clarified
 10:47:32 4 that there was a legal differentiation between domestic
 10:47:37 5 partnerships and marriage.
 10:47:39 6 MS. STEWART: I'm going to ask you to look at
 10:47:41 7 Exhibit 3.
 10:47:41 8 (Whereupon, Exhibit No. 3 was marked
 10:47:52 9 For identification.)
 10:47:53 10 MS. STEWART: Q Do you recognize this document?
 10:48:33 11 A. I'm familiar with it.
 10:48:35 12 **Q. Is this the ballot measure that was the**
 10:48:45 13 **responsibility of ProtectMarriage.com the 2005 ballot**
 10:48:48 14 **measure committee?**
 10:48:53 15 A. It appears so.
 10:48:55 16 **Q. And does this refresh your recollection as to**
 10:48:59 17 **what that ballot measure would have done had it taken**
 10:49:02 18 **effect?**
 10:49:03 19 A. Yes, it does.
 10:49:04 20 **Q. And can you tell me what that is?**
 10:49:06 21 A. Well, the language states that the marriage
 10:49:11 22 between a man and a woman would be the only legal union
 10:49:14 23 valid or recognized in California.
 10:49:16 24 **Q. And it would bar domestic partnerships from**
 10:49:18 25 **being recognized as valid legal unions in California; is**

10:49:22 1 **that correct?**
 10:49:23 2 MS. MOSS: Objection. Calls for a legal
 10:49:24 3 conclusion.
 10:49:28 4 THE WITNESS: That's what it states.
 10:49:30 5 MS. STEWART: Q Were you aware at the time that
 10:49:32 6 the ballot measure that ProtectMarriage.com was
 10:49:37 7 responsible for would have eliminated legal recognition
 10:49:43 8 for domestic relationships?
 10:49:48 9 MS. MOSS: Objection. Assumes legal facts not in
 10:49:51 10 evidence.
 10:49:53 11 THE WITNESS: I was aware that this language
 10:49:57 12 existed from that earlier organization.
 10:50:04 13 MS. STEWART: Q And at the time that organization
 10:50:07 14 was a project of California Renewal, i.e. in 2005, at
 10:50:11 15 that time were you aware that the ballot measure -- that
 10:50:16 16 it was promoting would eliminate domestic partnerships?
 10:50:22 17 MS. MOSS: Objection. Assumes legal facts not in
 10:50:25 18 evidence.
 10:50:27 19 THE WITNESS: I can only say that I was aware of
 10:50:29 20 what the language stated.
 10:50:30 21 MS. STEWART: Q So you were aware that the
 10:50:33 22 amendment that was being proposed would bar domestic
 10:50:36 23 partnerships from being valid or recognized as legal
 10:50:39 24 unions in California?
 10:50:40 25 MS. MOSS: Same objection.

10:50:41 1 THE WITNESS: And I'll restate that I was aware of
 10:50:45 2 what the language stated.
 10:50:46 3 MS. STEWART: Q Did you have an understanding as
 10:50:48 4 to the effect of that language, a lay person's
 10:50:53 5 understanding in 2005?
 10:50:54 6 A. I had an understanding that this language
 10:51:02 7 would be highly contested.
 10:51:07 8 **Q. Did you have an understanding of what it would**
 10:51:09 9 **mean if it was passed?**
 10:51:12 10 A. Well, I -- when you ask that question, I -- we
 10:51:15 11 had an understanding of what it may mean.
 10:51:19 12 **Q. And what was that understanding?**
 10:51:20 13 A. It may mean one of two things: It may mean
 10:51:24 14 that it would, as it states here, on its face, bar
 10:51:28 15 domestic partnerships from being valid or recognized as
 10:51:31 16 legal unions. On the other hand, it may very well mean
 10:51:36 17 it would not -- it would not hold up in court.
 10:51:44 18 **Q. So in other words, it could be challenged is**
 10:51:46 19 **what you're saying?**
 10:51:48 20 A. Correct.
 10:51:49 21 **Q. But if it held up, it would mean that there**
 10:51:51 22 **would be no more domestic partnerships --**
 10:51:55 23 A. As it said on its face, yes.
 10:52:10 24 **Q. Thank-you.**
 10:52:11 25 **So earlier you were -- we got bogged down a**

10:52:18 1 **little bit in some confusion about the name**
 10:52:21 2 **ProtectMarriage.com.**
 10:52:22 3 **So we've now I think, if I understand your**
 10:52:25 4 **answers correctly, established that there was an entity**
 10:52:33 5 **and a coalition that used the title**
 10:52:35 6 **"ProtectMarriage.com" in 2005; is that fair?**
 10:52:40 7 A. There was a ballot measure committee in 2005
 10:52:46 8 that used ProtectMarriage.com.
 10:52:48 9 **Q. And there was also a coalition that used that**
 10:52:51 10 **terminology; correct?**
 10:52:53 11 A. I believe -- I believe I've answered that. I
 10:52:56 12 believe that there was no formal coalition.
 10:53:00 13 **Q. But there was a coalition -- informal?**
 10:53:04 14 A. There were a variety of organizations,
 10:53:08 15 churches and individuals who agreed with the general
 10:53:14 16 direction of the ballot measure committee.
 10:53:16 17 **Q. And was there an effort to circulate the**
 10:53:26 18 **measure that we just looked at as Exhibit 3 for**
 10:53:31 19 **signatures in 2005?**
 10:53:33 20 A. To my knowledge, yes.
 10:53:35 21 **Q. And was -- did that effort fail?**
 10:53:39 22 A. Yes.
 10:53:42 23 **Q. Do you know why it failed?**
 10:53:49 24 A. I don't know the specific reason why it
 10:53:52 25 failed. I know it didn't receive enough signatures.

10:53:55 1 **Q. Was there a difficulty raising the funds to**
 10:53:59 2 **get those signatures?**
 10:54:00 3 A. I'm aware as far as the funding was very
 10:54:05 4 limited.
 10:54:16 5 **Q. Who did the fundraising for that effort?**
 10:54:21 6 MS. MOSS: To the extent that's publically known,
 10:54:25 7 you can respond. To the extent it would require you to
 10:54:28 8 reveal somebody whose association with that ballot
 10:54:33 9 measure committee is not known, I would direct you not
 10:54:36 10 to answer.
 10:54:36 11 THE WITNESS: I'm not aware.
 10:54:39 12 MS. STEWART: Q You're not aware at all or you're
 10:54:41 13 not aware of anyone non-public?
 10:54:44 14 A. I'm not aware of anyone at all.
 10:54:55 15 **Q. I want to fast forward a little bit to 2008 --**
 10:54:58 16 **but before I do, I want to cover the period between the**
 10:55:05 17 **measure we were just talking about, 2005 and 2008, and**
 10:55:09 18 **ask you: Was the name "ProtectMarriage.com" used for**
 10:55:15 19 **any purpose, to your knowledge, between when the 2005**
 10:55:22 20 **measure failed to get enough signatures and 2008?**
 10:55:30 21 A. I believe that there had been -- actually, I'm
 10:55:38 22 not sure. I don't know.
 10:55:43 23 **Q. Do you -- is it a failure of memory or you**
 10:55:46 24 **really you don't know at all?**
 10:55:50 25 A. It could be both.

10:55:53 1 **Q. Okay.**
 10:55:56 2 A. I'm -- I don't have a recollection.
 10:55:58 3 **Q. Okay. Fair enough.**
 10:56:02 4 **In any event, in 2008, the name**
 10:56:05 5 **"ProtectMarriage.com" was used again; is that correct?**
 10:56:10 6 A. Correct.
 10:56:10 7 **Q. Can you tell me the purposes for which the**
 10:56:14 8 **name "ProtectMarriage.com" was used in 2008?**
 10:56:19 9 A. Well, ProtectMarriage.com was used for the
 10:56:24 10 ballot measure committee. And then once we received an
 10:56:32 11 initiative number, Yes on 8 was added to that.
 10:56:39 12 **Q. Okay.**
 10:56:40 13 **So it was used for the ballot measure**
 10:56:42 14 **committee.**
 10:56:43 15 **Was it also used to describe a coalition?**
 10:56:54 16 A. ProtectMarriage.com was -- has been -- during
 10:57:01 17 the ballot measure of '08, yes. When we would
 10:57:09 18 communicate about the measure, we would talk about the
 10:57:15 19 loose broad-based coalition.
 10:57:21 20 **Q. For ease of reference, can we refer to that**
 10:57:32 21 **coalition as the "ProtectMarriage.com coalition"?**
 10:57:36 22 A. Well, I -- I think that we haven't defined the
 10:57:39 23 term so that's my hesitancy. So I don't know that I'm
 10:57:43 24 comfortable saying there is ease to using that term.
 10:57:48 25 **Q. Well, you just mentioned that --**

10:57:51 1 MS. STEWART: Can you read back his last answer.
 10:58:12 2 (Record read.)
 10:58:12 3 MS. STEWART: Q So I want to refer to that
 10:58:14 4 coalition that you just mentioned as the
 10:58:16 5 "ProtectMarriage.com coalition." To distinguish it from
 10:58:19 6 the "ProtectMarriage.com official ballot measure
 10:58:23 7 committee."
 10:58:25 8 Do you understand that distinction?
 10:58:26 9 A. Yes.
 10:58:28 10 **Q. And I'm doing that so that we don't keep**
 10:58:31 11 **getting bogged down in our questioning "Well, which --**
 10:58:35 12 **are you referring to the entity, the official entity or**
 10:58:38 13 **are you referring more broadly to the coalition?"**
 10:58:41 14 **So do you understand that use of the term?**
 10:58:43 15 A. I do. I -- however -- I believe I'm still at
 10:58:49 16 a place with a lack of understanding or a lack of
 10:58:55 17 agreement as to when we refer to a "coalition," you
 10:59:01 18 earlier used the term "member" and there were no such --
 10:59:04 19 there was no such entity.
 10:59:08 20 **Q. Okay.**
 10:59:10 21 **Well, let me ask you this: If you go to**
 10:59:15 22 **ProtectMarriage.com's website today, and I think this**
 10:59:18 23 **was true in 2008 as well, under the heading about**
 10:59:26 24 **ProtectMarriage.com it says "ProtectMarriage.com is a**
 10:59:30 25 **broad-based coalition of California families, community**

10:59:35 1 **leaders, religious leaders, pro family organizations and**
 10:59:40 2 **individuals from all walks of life who have joined**
 10:59:44 3 **together to support Proposition 8."**
 10:59:48 4 **First of all, is that an accurate statement?**
 10:59:52 5 A. It's an accurate statement to the degree that
 10:59:54 6 we have an understanding of what "joined together"
 10:59:59 7 means.
 10:59:59 8 **Q. And what does "join together" mean in that**
 11:00:02 9 **website?**
 11:00:03 10 A. It means that we are like-minded towards the
 11:00:06 11 definition of marriage.
 11:00:08 12 **Q. Does that mean that you work together towards**
 11:00:10 13 **the passage of Proposition 8?**
 11:00:13 14 A. I think it meant that a number of different
 11:00:18 15 organizations, entities, churches worked towards the
 11:00:24 16 purpose of the passage.
 11:00:26 17 Did we work together? Not always.
 11:00:29 18 **Q. So sometimes you worked together and sometimes**
 11:00:30 19 **you worked separately; is that fair?**
 11:00:33 20 A. Well, actually, most -- those people who would
 11:00:38 21 say that they were part of that broad-based coalition
 11:00:42 22 were by no means under the authority or the direction of
 11:00:46 23 the ad hoc executive committee.
 11:00:49 24 **Q. Fair enough.**
 11:00:49 25 **But they -- when this language -- and I**

01:20:07 1 **Was that one of the responsibilities of the**
01:20:09 2 **executive committee?**
01:20:10 3 A. It was one of our strategies.
01:20:12 4 **Q. And were you personally involved in that**
01:20:18 5 **effort of coordinating with the organizations churches**
01:20:22 6 **and individuals that made up the coalition?**
01:20:28 7 A. I participated in communicating to churches
01:20:36 8 and pastors.
01:20:49 9 **Q. Did anyone -- did any of the consultants that**
01:21:31 10 **ProtectMarriage.com retained for the Prop 8 campaign**
01:21:39 11 **also participate in coordinating with the organizations,**
01:21:42 12 **churches and individuals that made up the**
01:21:46 13 **ProtectMarriage coalition?**
01:21:59 14 A. To my knowledge, no.
01:22:01 15 **Q. Not even Shubert-Flint?**
01:22:04 16 A. Well, I continue to go back to the idea of
01:22:07 17 coordinating. I think they were invited as I mentioned,
01:22:09 18 but they didn't put those together.
01:22:19 19 **Q. Well, I'm not specifically -- I'm not**
01:22:21 20 **referring to some specific -- from the nature of your**
01:22:24 21 **answer from what you said, I want to be clear. I'm not**
01:22:29 22 **referring to a conference call in particular.**
01:22:31 23 **I'm just asking in general, did any of the**
01:22:35 24 **consultants -- you know, did you charge them with some**
01:22:40 25 **responsibility to coordinate with organizations and**

01:22:45 1 **churches and individuals that made up the coalition, the**
01:22:49 2 **broad ProtectMarriage coalition?**
01:22:51 3 MS. MOSS: I'll object to the term vague -- the
01:22:55 4 term "coordination" is vague.
01:22:57 5 THE WITNESS: I am struggling with it.
01:22:59 6 MS. STEWART: Q Well, you did communicate with the
01:23:03 7 churches and organizations and individuals that made up
01:23:05 8 the coalition; correct?
01:23:12 9 A. As an individual or as a committee?
01:23:14 10 **Q. As a committee.**
01:23:15 11 A. We certainly communicated with numerous
01:23:19 12 groups. But I think that the manner in which you're
01:23:26 13 posing the question seems to be an all or nothing.
01:23:30 14 That's, kind of, how I'm interpreting it.
01:23:34 15 **Q. All or nothing how?**
01:23:37 16 A. You asked about Shubert-Flint --
01:23:39 17 **Q. Right.**
01:23:40 18 A. -- did they communicate through this and that
01:23:43 19 and that and that. And the answer would be no, not to
01:23:47 20 all of those groups.
01:23:48 21 **Q. But I guess what I'm asking is did they share**
01:23:50 22 **in the responsibility of coordinating with the**
01:23:55 23 **organizations and churches and individuals that made up**
01:23:58 24 **the ProtectMarriage coalition?**
01:24:01 25 MS. MOSS: Same objection to the term

01:24:02 1 "coordinating." But if you understand it, you can
01:24:05 2 answer.
01:24:05 3 THE WITNESS: I don't well enough.
01:24:55 4 MS. STEWART: I'm going to ask you to look at an
01:25:02 5 exhibit that will be marked 6.
01:25:04 6 (Whereupon, Exhibit No. 6 was
01:25:28 7 Marked for identification.)
01:25:43 8 MS. STEWART: Q Take a moment, if you need to, to
01:25:45 9 look at the document. Because I'm going to ask you if
01:25:48 10 you recognize it and can tell me what it is.
01:26:13 11 (Pause in the proceedings.)
01:27:08 12 THE WITNESS: Okay.
01:27:10 13 MS. STEWART: Q Do you recognize this as the
01:27:12 14 income tax return for 2006 for the California Family
01:27:16 15 Council Foundation?
01:27:18 16 A. Yes.
01:27:19 17 **Q. Is the California Family Council Foundation**
01:27:23 18 **the entity that we were talking about earlier today that**
01:27:27 19 **we referred to as the California Family Council? Are**
01:27:30 20 **there two entities or is it one?**
01:27:32 21 A. It is the same entity.
01:27:34 22 **Q. Thank-you.**
01:27:35 23 **And is it part of your responsibility -- or**
01:27:39 24 **let me ask more specifically.**
01:27:41 25 **In 2006, was it part of your responsibility to**

01:27:44 1 **see that the tax returns for the entity were prepared**
01:27:51 2 **and filed?**
01:27:52 3 A. Yes, ultimately.
01:27:54 4 **Q. And if you look at page 9 of this document, is**
01:27:58 5 **that your signature on the document?**
01:28:05 6 A. Yes.
01:28:32 7 MS. STEWART: Now, I'm going to ask you to take a
01:28:35 8 look --
01:28:48 9 (Ms. Piepmeier enters the room.)
01:28:49 10 (Whereupon, Exhibit No. 7 was
01:28:49 11 Marked for identification.)
01:28:57 12 MS. STEWART: So I'm going to hand you Exhibit 7.
01:30:21 13 Let me know when you've had a chance to review
01:30:24 14 it.
01:30:25 15 A. Okay.
01:30:25 16 **Q. And I'm going to ask you if this is the 2007**
01:30:29 17 **tax return for the California Family Council?**
01:30:33 18 A. Yes.
01:30:52 19 MS. STEWART: Now, I'm going to ask you to look at
01:30:54 20 Exhibit 8.
01:30:54 21 (Whereupon, Exhibit No. 8 was
01:31:04 22 Marked for identification.)
01:31:16 23 MS. STEWART: Q And my question for this one is
01:31:18 24 going to be whether this is the tax return for 2005 for
01:31:31 25 California Renewal.

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04:28:34 1 Q. Well, it states that ProtectMarriage.com is
 04:28:37 2 now moving forward with another attempt to qualify a
 04:28:40 3 ballot measure.
 04:28:41 4 That would seem to indicate that the document
 04:28:43 5 was prepared and circulated before Proposition 8 had
 04:28:49 6 actually qualified for the ballot would it not?
 04:28:52 7 A. Yes.
 04:28:53 8 However, the ProtectMarriage.com that's
 04:28:56 9 referenced here is not the same ProtectMarriage.com that
 04:29:05 10 registered as a ballot measure committee.
 04:29:08 11 Q. And how do you know that?
 04:29:10 12 A. Well, because even members on this coalition
 04:29:14 13 were not members -- were not participating in -- were
 04:29:23 14 not actively participating in -- in the passage of
 04:29:27 15 Prop 8.
 04:29:28 16 Q. Okay.
 04:29:29 17 So were not actively participating in the
 04:29:32 18 passage of Prop 8 at what time period?
 04:29:35 19 A. During the campaign.
 04:29:36 20 Q. So when you said, "during the campaign," do
 04:29:38 21 you mean after the measure had qualified for the ballot?
 04:29:51 22 A. I -- I don't know. I don't know precisely the
 04:29:55 23 timeline of this.
 04:29:56 24 Q. In -- in 2008 when this brochure appears to
 04:30:07 25 have been produced, you were the -- I'm forgetting --

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04:30:13 1 executive director of the California Family Council?
 04:30:18 2 MS. MOSS: Object to the extent I don't think it's
 04:30:19 3 been established when this brochure was, in fact,
 04:30:23 4 created. Whether it was --
 04:30:26 5 MS. STEWART: Q Let me just ask this: Let me go
 04:30:38 6 back to the second page and look at that right-hand
 04:30:44 7 panel again. And the paragraph above the one that's got
 04:30:48 8 a lot of bold-faced type, it says "The ProtectMarriage
 04:30:53 9 Coalition's volunteer effort gathered nearly 300,000
 04:30:56 10 signatures through church communications."
 04:30:58 11 Do you see that?
 04:30:58 12 A. Uh-huh.
 04:31:00 13 Q. Is that true that a coalition that called
 04:31:06 14 itself "ProtectMarriage" used volunteers to gather
 04:31:10 15 300,000 signatures?
 04:31:12 16 A. I would probably take issue with the fact that
 04:31:15 17 it would be the ProtectMarriage coalition. I would say
 04:31:19 18 that there were a number of groups who participated --
 04:31:25 19 churches and otherwise -- who participated in attempting
 04:31:32 20 to gather signatures.
 04:31:33 21 Q. And when did the coalition succeed in
 04:31:43 22 gathering 300,000 signatures?
 04:31:46 23 A. I believe this refers to the -- the attempt in
 04:31:51 24 2005.
 04:31:57 25 Q. If that's -- so the 300,000 signatures were

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04:32:03 1 gathered -- I see -- were gathered in 2005. And that
 04:32:08 2 was the measure that didn't make it onto the ballot; is
 04:32:12 3 that what you're saying?
 04:32:13 4 A. Correct.
 04:32:13 5 Q. And now it says in the next paragraph that
 04:32:15 6 "ProtectMarriage.com is moving forward with another
 04:32:19 7 attempt to qualify a ballot measure."
 04:32:22 8 Is it your understanding that that refers to
 04:32:24 9 what eventually became Proposition 8?
 04:32:27 10 A. Yes.
 04:32:56 11 Q. Look at the middle panel on the second page of
 04:33:00 12 the document in the last piece of text in the bullet
 04:33:05 13 point. It says "In mid-2008, the California Supreme
 04:33:09 14 Court will decide whether the definition of marriage as
 04:33:13 15 only between a man and a woman, Proposition 22, is
 04:33:16 16 constitutionally protected."
 04:33:18 17 Do you see that?
 04:33:18 18 A. Yes.
 04:33:19 19 Q. So obviously this document was prepared before
 04:33:21 20 the California Supreme Court issued its decision in May
 04:33:24 21 of 2008; correct?
 04:33:26 22 A. Correct.
 04:33:27 23 Q. And was there a coalition of organizations
 04:33:34 24 that were in someway moving forward as of sometime in
 04:33:49 25 the middle of 2008 or early 2008 to qualify another

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04:33:54 1 measure for the ballot?
 04:33:57 2 MS. MOSS: Object to the form of the question. I
 04:33:58 3 think again to the extent that there's been some
 04:34:01 4 disagreement about exactly what coalition means, to the
 04:34:05 5 extent you understand that term, you may answer the
 04:34:07 6 question.
 04:34:12 7 THE WITNESS: Well, clearly, the -- by referring to
 04:34:19 8 this last bullet point in mid-2008, the timing of this
 04:34:28 9 appears to have been either just before or during the
 04:34:39 10 petition-gathering phase.
 04:34:40 11 MS. STEWART: Q Fair enough.
 04:34:43 12 And was there -- the third panel says
 04:34:51 13 "ProtectMarriage.com is now moving" -- the third panel
 04:34:54 14 on the second page -- "ProtectMarriage.com is now moving
 04:34:57 15 forward with another attempt to qualify a ballot
 04:35:00 16 measure."
 04:35:00 17 Do you see that?
 04:35:00 18 A. Yes.
 04:35:01 19 Q. And is it your understanding that there was
 04:35:04 20 some kind of coalition or group -- of group in the first
 04:35:11 21 half of 2008 that were working to qualify -- to get the
 04:35:15 22 signatures to qualify what became Prop 8?
 04:35:20 23 A. I don't believe that there's any change in the
 04:35:25 24 definition that we have attempted to establish. And
 04:35:28 25 that is that this was a loose broad-based coalition, not

04:35:36 1 taking orders from any authoritative group. And these
 04:35:49 2 entities were like-minded about the passage of such a
 04:35:55 3 measure, but -- but that's -- that's the extent of the
 04:36:01 4 relationship.
 04:36:02 5 **Q. Okay.**
 04:36:02 6 **So without changing that non-authoritative**
 04:36:07 7 **informal coalition -- definition of coalition, were the**
 04:36:10 8 **groups listed on the first page of this brochure moving**
 04:36:17 9 **forward with an attempt to qualify Proposition 8 for the**
 04:36:19 10 **ballot?**
 04:36:21 11 A. Individually, independently.
 04:36:24 12 **Q. And one of those entities was the California**
 04:36:27 13 **Family Council?**
 04:36:28 14 A. Correct.
 04:36:28 15 **Q. And another was Focus on the Family?**
 04:36:32 16 A. Yes.
 04:36:33 17 **Q. And another was Concerned Women for America?**
 04:36:38 18 A. I'm not aware of any activity that they were
 04:36:40 19 accomplishing in this timeline.
 04:36:42 20 **Q. Do you know why they would have been listed on**
 04:36:45 21 **a California Family Council brochure as being part of**
 04:36:49 22 **the effort if they were not doing anything?**
 04:36:52 23 A. I think there was -- I believe that this piece
 04:36:57 24 was created at the request of a -- a church that wanted
 04:37:04 25 information. And that that church asked that we might

04:37:09 1 list numerous groups that had expressed interest in its
 04:37:14 2 passage.
 04:37:14 3 **Q. Okay.**
 04:37:15 4 **Would you have listed a group to be described**
 04:37:25 5 **as being involved or as working on attempting to qualify**
 04:37:33 6 **a ballot measure if it wasn't doing anything?**
 04:37:37 7 A. I would have listed a group that was
 04:37:38 8 like-minded and whose -- yeah, I -- I would have listed
 04:37:46 9 a group that was like-minded.
 04:37:48 10 **Q. Even if it had not in any way committed to**
 04:37:50 11 **work on the ballot measure?**
 04:37:54 12 A. I would have asked each of these groups
 04:37:56 13 whether they would allow us to put their name on this.
 04:38:00 14 **Q. Was that done in connection with preparing**
 04:38:00 15 **this brochure?**
 04:38:01 16 A. I believe it was.
 04:38:03 17 **Q. And were you the one who did it?**
 04:38:05 18 A. No.
 04:38:05 19 **Q. Do you know who did?**
 04:38:08 20 A. No.
 04:38:09 21 **Q. What was the -- to whom did this brochure**
 04:38:13 22 **ultimately go?**
 04:38:16 23 A. Again, I'm not -- I'm not able to answer that.
 04:38:21 24 I expressed how -- how I think it came to be developed
 04:38:24 25 and for what purpose. But I don't know the population

04:38:28 1 that received it.
 04:38:32 2 **Q. And I apologize, again, if I -- there's a lot**
 04:38:37 3 **of entities here, and so I'm not sure what I've asked**
 04:38:41 4 **about and what I haven't. I'm trying to keep track.**
 04:38:45 5 **But when did the official ballot measure**
 04:38:48 6 **committee for Proposition 8 actually form?**
 04:38:52 7 A. The ballot committee formed the -- I'm doing
 04:39:01 8 the math here. I believe it was --
 04:39:06 9 MS. MOSS: That actually has been asked and
 04:39:08 10 answered earlier.
 04:39:10 11 THE WITNESS: I thought so.
 04:39:11 12 MS. MOSS: His testimony earlier was in
 04:39:14 13 mid-November, 2007.
 04:39:15 14 THE WITNESS: Thank-you.
 04:39:16 15 MS. STEWART: Q So why would you describe
 04:39:19 16 ProtectMarriage.com as a coalition in a brochure if a
 04:39:36 17 coalition of groups working to put a measure on the
 04:39:39 18 ballot if -- strike that.
 04:39:52 19 At the time this brochure was prepared by the
 04:39:55 20 California Family Council, there had actually been a
 04:40:01 21 ballot measure committee formed; is that right?
 04:40:04 22 A. I don't think that's been established in terms
 04:40:05 23 of the timeline of the creation of this (indicating).
 04:40:10 24 **Q. Let me tell you that the title of the document**
 04:40:13 25 **in the document production has a date on -- in the Bates**

04:40:29 1 **number, and it's February 20, 2008.**
 04:40:32 2 **Now, I don't know what that means because I**
 04:40:35 3 **don't know how those numbers were put on there because**
 04:40:41 4 **your counsel produced the documents in a digital form.**
 04:40:45 5 **But does that help you in any way --**
 04:40:48 6 A. No.
 04:40:50 7 **Q. But we know that at some point before the**
 04:40:54 8 **Supreme Court decided and knowing that the court would**
 04:40:57 9 **decide in the middle of 2008, this document was**
 04:41:00 10 **prepared?**
 04:41:05 11 A. Yes.
 04:41:05 12 **Q. And we know from the "what you can do" section**
 04:41:11 13 **that it was talking about a million signatures being**
 04:41:19 14 **needed between now and Easter, 2008.**
 04:41:21 15 **Do you see that?**
 04:41:22 16 A. Yes.
 04:41:22 17 **Q. And what is the period within which you have**
 04:41:26 18 **to collect signatures for a ballot measure in**
 04:41:30 19 **California?**
 04:41:30 20 A. 150 days.
 04:41:33 21 **Q. So would it be fair to say that this document**
 04:41:36 22 **would have had to have been prepared approximately 150**
 04:41:46 23 **days before Easter of 2008?**
 04:41:49 24 A. Yes.
 04:41:49 25 **Q. Thank-you.**

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05:17:17 1 sometimes and with little Cs other times, was that a
 05:17:20 2 practice in your communications?
 05:17:25 3 A. I'm sorry, I don't recall.
 05:17:37 4 MS. STEWART: I'm going to ask you to look at a
 05:17:40 5 document labeled Exhibit 28.
 05:18:02 6 (Whereupon, Exhibit No. 28 was
 05:18:02 7 Marked for identification.)
 05:18:38 8 MS. STEWART: Q Is this a press release that was
 05:18:40 9 issued by ProtectMarriage.com?
 05:18:43 10 A. Well, yes.
 05:18:46 11 **Q. Who's Chip White?**
 05:18:48 12 A. Chip White was a contractor in our
 05:18:51 13 communications room.
 05:18:52 14 **Q. And in the third paragraph, last sentence says**
 05:19:00 15 **"Our coalition has no plans to seek any changes in that**
 05:19:04 16 **law, that law I think referring to Proposition 8."**
 05:19:08 17 **Do you see that?**
 05:19:09 18 A. Yes.
 05:19:11 19 **Q. What is the reference to "our coalition," what**
 05:19:13 20 **does that mean?**
 05:19:16 21 A. It's -- in my opinion, it's a misstatement and
 05:19:21 22 should have said "the executive committee."
 05:19:25 23 **Q. Why do you say that?**
 05:19:27 24 A. Because we -- we did not speak on behalf of
 05:19:31 25 people who participated cooperatively in the campaign.

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05:19:35 1 **Q. So you did not speak on behalf of the**
 05:19:37 2 **coalition of organizations that supported Proposition 8?**
 05:19:43 3 A. Well, again, you're asking me if we spoke on
 05:19:45 4 behalf of a loose broadly-based group of organizations
 05:19:54 5 that did many things on -- by their own will.
 05:19:58 6 **Q. And yes, I am.**
 05:20:00 7 A. And the answer is no.
 05:20:01 8 **Q. Okay.**
 05:20:02 9 **I'd like you to go back and take a look at**
 05:20:05 10 **Exhibit I think it's 22.**
 05:20:24 11 A. The sign.
 05:20:25 12 **Q. 25, I'm sorry. 25.**
 05:20:37 13 **Would you look at the second page of that**
 05:20:39 14 **document. I think you testified earlier that this was a**
 05:20:45 15 **press release issued by ProtectMarriage.com. And you**
 05:20:51 16 **see on the second page there are references to a number**
 05:20:53 17 **of entities --**
 05:20:56 18 A. Yes.
 05:20:56 19 **Q. -- in bold. And the last one is**
 05:20:59 20 **ProtectMarriage.com.**
 05:20:59 21 **Do you see that?**
 05:21:00 22 A. Yes.
 05:21:00 23 **Q. And it says "ProtectMarriage.com is a**
 05:21:04 24 **broad-based coalition of California families, community**
 05:21:07 25 **leaders, religious leaders, pro-family organizations,**

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05:21:10 1 **and individuals from all walks of life who have joined**
 05:21:13 2 **together to support Proposition 8."**
 05:21:16 3 **Do you see that?**
 05:21:16 4 A. Yes.
 05:21:17 5 **Q. So Isn't it fair to say that the campaign**
 05:21:20 6 **frequently referred to ProtectMarriage.com in its**
 05:21:24 7 **communications as the broad-based coalition that you**
 05:21:27 8 **were talking about?**
 05:21:35 9 MS. MOSS: I'm sorry, could you clarify? When he
 05:21:37 10 was talking about here or --
 05:21:40 11 MS. STEWART: Q Isn't it true that
 05:21:44 12 ProtectMarriage.com in its communications with the
 05:21:48 13 public frequently referred to ProtectMarriage.com as a
 05:21:52 14 broad-based coalition of California families, community
 05:21:55 15 leaders, religious leaders, pro-family organizations,
 05:21:58 16 and individuals?
 05:22:03 17 A. I don't -- I couldn't stipulate to frequently.
 05:22:07 18 **Q. Did this footer, if you will, appear on many**
 05:22:13 19 **releases issued by ProtectMarriage.com?**
 05:22:17 20 A. I'm not aware.
 05:22:18 21 **Q. Okay.**
 05:22:18 22 **Did it appear on the organization's website?**
 05:22:29 23 A. I -- I would need to look through here. But
 05:22:32 24 it strikes me that we've already seen it from a website
 05:22:36 25 piece.

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05:22:37 1 **Q. How are voters to know which use you were**
 05:22:40 2 **making of the term "ProtectMarriage.com" when you use**
 05:22:43 3 **that term in public communications?**
 05:22:53 4 A. How -- how are voters to know -- sorry.
 05:22:59 5 **Q. I'm a voter. I receive a communication from**
 05:23:04 6 **ProtectMarriage.com talking about the efforts of**
 05:23:09 7 **ProtectMarriage.com.**
 05:23:11 8 **How am I as a voter to know whether that**
 05:23:16 9 **communication is referring to the broad-based coalition**
 05:23:19 10 **described on this document or just the executive**
 05:23:27 11 **committee of the primarily formed ballot committee?**
 05:23:32 12 A. Within these two documents, I see the Yes on
 05:23:36 13 Proposition 8 campaign which refers to the committee
 05:23:39 14 itself. I see -- I believe there was another one that
 05:23:46 15 referred to it in a different way on the same page, I'm
 05:23:49 16 not finding it right now, however.
 05:23:53 17 And so on document 25, Yes on Proposition 8
 05:24:01 18 ProtectMarriage.com campaign, that's -- that's the
 05:24:06 19 difficulty I'm having as we discuss this in that we may
 05:24:11 20 refer to the campaign in general. And many
 05:24:16 21 organizations who make reference to the passage of
 05:24:25 22 Prop 8. But then there's -- there's a very clear
 05:24:29 23 campaign committee that's headed up by a executive
 05:24:35 24 committee.
 05:24:35 25 **Q. Did you expect the voters in reviewing**

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06:50:58 1 **Catholic Bishops to be part of the coalition as we**
 06:51:03 2 **defined it a few minutes ago?**
 06:51:13 3 A. By saying that -- the definition that we used
 06:51:18 4 a few minutes ago talked about activity and action. And
 06:51:22 5 in my clarification regarding the California Catholic
 06:51:25 6 Conference of Bishops, I referred to an endorsement
 06:51:28 7 versus an activity. And the U.S. Council of Catholic
 06:51:37 8 Bishops is more of an endorsement than it is an
 06:51:43 9 activity.
 06:51:43 10 **Q. Okay.**
 06:51:49 11 **Are you familiar with a website called**
 06:51:51 12 **MarriageMattersToKids.org?**
 06:51:54 13 A. No.
 06:52:02 14 **Q. Did ProtectMarriage.com, the primary ballot**
 06:52:15 15 **committee, the narrow ProtectMarriage.com, have a U-Tube**
 06:52:21 16 **channel that it used to communicate with voters?**
 06:52:34 17 A. Not to my knowledge.
 06:52:47 18 **Q. The Rock Church, Pastor McPherson's church in**
 06:52:52 19 **San Diego, is that part of the ProtectMarriage.com**
 06:52:55 20 **coalition as we defined it a few minutes ago?**
 06:53:00 21 A. Actively working to pass Proposition 8?
 06:53:03 22 **Q. Yes.**
 06:53:04 23 A. The Rock Church did so, yes.
 06:53:06 24 **Q. And did the Skyline Church also do so?**
 06:53:11 25 A. Yes.

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06:53:17 1 **Q. And did Pastor Garlow and Pastor McPherson**
 06:53:23 2 **also do so?**
 06:53:25 3 A. As the heads of those churches?
 06:53:28 4 **Q. Yes.**
 06:53:28 5 A. Yes.
 06:53:30 6 **Q. Did -- never mind.**
 06:53:39 7 **How about The Pacific Justice Institute, did**
 06:53:43 8 **that entity, to your knowledge, play any role in the**
 06:53:48 9 **passage of Proposition 8?**
 06:53:52 10 A. Yes.
 06:53:52 11 **Q. What role did The Pacific Justice Institute**
 06:53:56 12 **play?**
 06:53:57 13 MS. MOSS: Lack of foundation. But to the extent
 06:53:59 14 you know, you can answer.
 06:54:00 15 MS. STEWART: You know what, I'd stipulate that you
 06:54:02 16 can preserve that objection for every question if you
 06:54:06 17 want --
 06:54:06 18 MS. MOSS: It's not for every question. I want it
 06:54:09 19 to be clear on the record that you're asking him areas
 06:54:11 20 that he may have limited knowledge. But I want it to be
 06:54:13 21 clear for the record he --
 06:54:13 22 MS. STEWART: I'm saying "to your knowledge."
 06:54:15 23 MS. MOSS: -- established --
 06:54:15 24 MS. STEWART: Obviously, if he doesn't know --
 06:54:16 25 MS. MOSS: Well --

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06:54:17 1 MS. STEWART: -- know.
 06:54:17 2 MS. MOSS: But even if he knows something, it
 06:54:21 3 doesn't mean that you've established that he has a basis
 06:54:23 4 for accurate or complete or detailed information.
 06:54:27 5 MS. STEWART: I'm not suggesting that by my
 06:54:29 6 question.
 06:54:29 7 MS. MOSS: Well --
 06:54:30 8 MS. STEWART: Make your objection. That's all
 06:54:31 9 right.
 06:54:32 10 **Q. So what role did Pacific Justice Institute**
 06:54:35 11 **play, to your knowledge?**
 06:54:36 12 A. Pacific Justice Institute promoted the passage
 06:54:41 13 of Prop 8 on their own website.
 06:54:44 14 **Q. Did the American Family Association, to your**
 06:54:53 15 **knowledge, promote the passage of Proposition 8 on its**
 06:54:58 16 **own website?**
 06:55:00 17 A. I'm not sure.
 06:55:02 18 **Q. Did Focus on the Family promote passage of**
 06:55:06 19 **Proposition 8 on its website?**
 06:55:20 20 A. Yes.
 06:55:22 21 **Q. Did the Family -- let me reframe that.**
 06:55:35 22 **Did the -- I think you testified earlier that**
 06:55:42 23 **you did not know whether the Mormon Church had a website**
 06:55:45 24 **specifically to promote Proposition 8; correct?**
 06:55:50 25 A. Correct.

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06:55:50 1 **Q. Do you know whether the Mormon Church used any**
 06:55:55 2 **website to promote passage of Proposition 8?**
 06:55:59 3 A. No, I don't know.
 06:56:02 4 **Q. Is the Family Research Council a part of the**
 06:56:08 5 **coalition that we defined earlier, shortly ago that**
 06:56:16 6 **works to pass Proposition 8?**
 06:56:21 7 A. You mean the vague non-descript loose
 06:56:25 8 association that you're referring to as the coalition?
 06:56:28 9 **Q. Yes.**
 06:56:32 10 A. Family Research Council participated in the
 06:56:35 11 promotion of the passage of Proposition 8.
 06:56:38 12 **Q. And not only am I using it that way, but**
 06:56:42 13 **ProtectMarriage.com in its communications has sometimes**
 06:56:46 14 **used it that way; correct?**
 06:56:48 15 A. I don't know that that wording has ever been
 06:56:51 16 used.
 06:56:52 17 **Q. Well, the Exhibit 25 that we've gone back to a**
 06:56:55 18 **few times uses the phrase "coalition" referring to a**
 06:57:02 19 **broad-based coalition of California families, community**
 06:57:06 20 **leaders, religious leaders, pro-family organization and**
 06:57:09 21 **individuals from all walks of life who have joined**
 06:57:13 22 **together to support Proposition 8." That's the**
 06:57:17 23 **coalition I'm referring to, that description.**
 06:57:24 24 **Do you understand that?**
 06:57:26 25 A. I understand that you're saying that, yes.

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06:57:29 1 Q. Was the Family Research Council a part of that
 06:57:32 2 coalition?
 06:57:37 3 A. I would probably go back to take issue with
 06:57:43 4 what I'm understanding to be your interpretation of this
 06:57:47 5 coalition. My sense is that you -- my sense is that
 06:57:58 6 you're inferring that it's something monolithic and that
 06:58:02 7 the committee is authoritarian.
 06:58:04 8 Q. I'm not at all. I'm not inferring anything of
 06:58:07 9 the sort. I'm taking the language used by
 06:58:10 10 ProtectMarriage.com in its press release and in which --
 06:58:14 11 A. This is -- I see what you're saying.
 06:58:17 12 Q. -- without any other adjectives or descriptors
 06:58:21 13 of how it functions. But rather a -- I'm using the term
 06:58:27 14 "coalition" or "The ProtectMarriage.com coalition" to
 06:58:30 15 refer to a broad-based coalition of California families,
 06:58:34 16 community leaders, religious leaders, pro-family
 06:58:38 17 organizations and individuals from all walks of life who
 06:58:40 18 have joined together to support Proposition 8." That's
 06:58:44 19 it. That's the definition. Okay?
 06:58:46 20 A. Okay.
 06:58:46 21 Q. Can we have that understanding that that's how
 06:58:49 22 I'm using the word in my question?
 06:58:52 23 A. Well, actually, I would prefer that we could
 06:58:55 24 understand that it's a vague non-descript loose
 06:59:00 25 assimilation of groups attempting to pass Proposition 8.

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06:59:11 1 MS. STEWART: Can you read that back.
 06:59:13 2 (Record read.)
 06:59:49 3 MS. STEWART: Q Have you ever referred to the
 06:59:51 4 coalition of groups that worked to pass Proposition 8 in
 06:59:57 5 the way you just stated a minute, that is as a vague,
 07:00:03 6 non-descript, assimilation of groups attempting to pass
 07:00:07 7 Proposition 8?
 07:00:08 8 A. No.
 07:00:09 9 Q. I would prefer to stick to the description
 07:00:13 10 that ProtectMarriage.com has used on its own materials
 07:00:16 11 rather than come up with something completely different,
 07:00:19 12 if you don't mind.
 07:00:21 13 And it's my understanding that that
 07:00:22 14 description is still on ProtectMarriage.com's website
 07:00:25 15 today. And it's the same language that's in this
 07:00:29 16 Exhibit 25, a broad-based coalition of California
 07:00:34 17 families, community leaders, religious leaders,
 07:00:38 18 pro-family organizations and individuals from all walks
 07:00:40 19 of life who have joined together to support
 07:00:43 20 Proposition 8.
 07:00:45 21 So that's how I'm using the term coalition in
 07:00:48 22 my question. And you can say "yes" or "no" and if it
 07:00:51 23 doesn't fit, it doesn't fit.
 07:00:53 24 So with that understanding of the term
 07:00:55 25 "coalition," was the Family Research Council apart of

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07:01:01 1 that coalition?
 07:01:11 2 THE WITNESS: Can I?
 07:01:13 3 MS. MOSS: Yes.
 07:01:54 4 (Pause in the proceedings.)
 07:01:58 5 THE WITNESS: Would you repeat the question?
 07:02:00 6 (Record read.)
 07:02:24 7 THE WITNESS: As I understand the definition that
 07:02:26 8 you're using for "coalition," no.
 07:02:29 9 MS. STEWART: Q And was Advocates for Faith and
 07:02:31 10 Freedom a part of that coalition?
 07:02:34 11 A. No.
 07:02:35 12 Q. And how about the Western Center for Law and
 07:02:37 13 Policy?
 07:02:38 14 A. No.
 07:02:40 15 Q. And how about Fieldstead and Company?
 07:02:44 16 A. No.
 07:02:54 17 Q. How about the Concerned Women for America?
 07:02:57 18 A. No.
 07:02:57 19 MS. STEWART: Duly noted, thank-you, Mr. Pugno.
 07:03:22 20 We will stop and give everybody a rest until
 07:03:25 21 morning.
 07:03:27 22 THE VIDEOGRAPHER: This marks the end of tape No. 5
 07:03:29 23 in volume 1. And we're off the record at 7:03.
 07:03:34 24 COURT REPORTER: For the record, who would like a
 07:03:35 25 copy?

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07:03:45 1 MS. MOSS: Yes.
 07:03:47 2 (Whereupon, the deposition adjourned.
 07:03:47 3 At 7:03 p.m.)
 07:03:47 4
 07:03:47 5
 07:03:47 6

 RONALD PRENTICE
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1 DEPOSITION OFFICER'S CERTIFICATE
2
3 STATE OF CALIFORNIA)
4) Ss.
5 COUNTY OF CONTRA COSTA)
6
7 I LESLIE CASTRO, CSR, hereby certify:
8 I am a duly qualified Shorthand Reporter in
9 the State of California, holder of Certificate Number
10 8876 issued by the Court Reporter's Board of California
11 and which is in full force and effect. (Fed R. Civ. P.
12 28(a)).
13 I am authorized to administer oaths of
14 affirmations pursuant to California Code of Civil
15 Procedure, Section 2093(b), and prior to being examined,
16 the deponent was first duly sworn by me. (Fed. R. Civ.
17 P. 28(a), 30(f) (1)).
18 I am not a relative or employee or attorney or
19 counsel of any of the parties, nor am I a relative or
20 employee of such attorney or counsel, nor am I
21 financially interested in this action. (Fed. R. Civ. P.
22 28).
23 I am the deposition officer that
24 stenographically recorded the testimony in the foregoing
25 deposition and the foregoing transcript is a true record

1 ERRATA SHEET
2
3 PAGE LINE CHANGE
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19 _____
20 _____
21 I, RONALD PRENTICE, have made the following changes
22 to my deposition taken in the matter of PERRY, ET AL.
23 vs. SCHWARZENEGGER, ET AL. taken on DECEMBER 17, 2009.
24 DATE: _____
25 RONALD PRENTICE

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)).
8
9
10
11
12 Dated: 28th of December, 2009.
13
14
15
16 _____
17 LESLIE CASTRO, CSR
18 State of California
19 CSR License No. 8876
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21
22
23
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25

1 CERTIFICATION OF WITNESS
2
3
4 I, RONALD PRENTICE, hereby declare that I have read
5 the foregoing testimony, and the same is true and a
6 correct transcription of my said testimony except as I
7 have corrected.
8
9
10
11 _____
12 Signature
13
14
15 _____
16 Date
17
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20
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25

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BONNIE L. WAGNER & ASSOCIATES
COURT REPORTING SERVICE
41 SUTTER STREET, SUITE 1605
SAN FRANCISCO, CALIFORNIA 94104
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January 4, 2010
Ronald Prentice
c/o Nicole J. Moss, Esq.
Cooper & Kirk
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Re: Perry, et al. vs.
Schwarzenegger, et al.

Dear Mr. Prentice:
You are hereby notified that pursuant to the California
Code of Civil Procedure Section 2019(E), your deposition
is available for your review within 35 days from the
date of this letter.

If you are represented by an attorney in this matter
contact your attorney before contacting this office.
Do not ask that we send you the original deposition.
State law does not allow us to do so.

Yours very truly,

Leslie Castro, CSR
Bonnie L. Wagner & Associates

CC: Original Transcript
All Counsel