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 16 and PROTECTMARRIAGE.COM – YES ON 8, A
 PROJECT OF CALIFORNIA RENEWAL

17 * Admitted *pro hac vice*

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

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

22 Plaintiffs,

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Plaintiff-Intervenor,

25 v.

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

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS
 DENNIS HOLLINGSWORTH, GAIL
 J. KNIGHT, MARTIN F. GUTIERREZ,
 MARK A. JANSSON,
 AND PROTECTMARRIAGE.COM'S
 REPLY IN SUPPORT OF THEIR
 MOTION TO SUPPLEMENT THE
 RECORD**

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

11
12
13 Defendants,

14 and

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

22
23 Defendant-Intervenors.
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Additional Counsel for Defendant-Intervenors

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1 On May 5, 2010, Defendant-Intervenors Dennis Hollingsworth, Gail Knight, Martin Gutierrez,
2 Mark Jansson, and ProtectMarriage.com (“Proponents”) moved to supplement the evidentiary record
3 with exhibits produced by No on Proposition 8, Campaign for Marriage Equality: A Project of the
4 American Civil Liberties Union of Northern California (“ACLU”) and Equality California.
5 Plaintiffs and Plaintiff-Intervenor (together, “Plaintiffs”) “do not object to this Court taking judicial
6 notice of Proponents’ newly offered exhibits.” Doc # 665 at 4. While Plaintiffs do question the
7 weight the exhibits should be afforded, Proponents simply request that the exhibits—consisting of
8 campaign-related materials produced by groups opposed to Prop 8—be given weight equivalent to
9 Plaintiffs’ exhibits consisting of campaign-related materials of groups that supported Prop 8.
10 Plaintiffs complain that Proponents are attempting to add evidence “at this late stage.” But we have
11 faithfully adhered to the court’s timetable for moving to supplement the record. *See* Doc # 650 at 1.

12 As for Plaintiffs’ claims about the underlying merits, we are prepared to explain at closing
13 argument why Plaintiffs have failed to prove that Prop 8 is unconstitutional. Suffice it to say that
14 the evidence does not establish what Plaintiffs claim it does, *see* Doc # 665 at 2-4, and that
15 Proponents’ motion to supplement the record is not somehow an acknowledgment to the contrary,
16 *see id.* at 3 (“Proponents failed to refute Plaintiffs’ and Plaintiff-Intervenor’s showing on these
17 critical issues, and so they now seek to add new evidence to the record.”).

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19 Dated: May 12, 2010

20 COOPER AND KIRK, PLLC
21 ATTORNEYS FOR DEFENDANT-INTERVENORS
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23 MARTIN F. GUTIERREZ, MARK A. JANSSON, and
24 PROTECTMARRIAGE.COM – YES ON 8, A PROJECT
25 OF CALIFORNIA RENEWAL

26
27 By: /s/Charles J. Cooper
28 Charles J. Cooper