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 Arnold Schwarzenegger, in his official capacity as Governor of  
 California, Mark B. Horton, in his official capacity as Director of the  
 California Department of Public Health and State Registrar of Vital  
 Statistics, and Linette Scott, in her official capacity as Deputy Director  
 of Health Information & Strategic Planning for the California Department  
 of Public Health

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

KRISTIN M. PERRY, et al.,

Plaintiffs,

CITY AND COUNTY OF SAN  
 FRANCISCO,

Plaintiff-Intervenor,

v.

ARNOLD SCHWARZENEGGER, in his  
 official capacity as Governor of California,  
 et al.,

Defendants,

and

PROPOSITION 8 OFFICIAL  
 PROPONENTS DENNIS  
 HOLLINGSWORTH, et al.,

Defendant-Intervenors.

**Case No. 09-CV-02292 VRW**

**THE ADMINISTRATION DEFENDANTS'  
 RESPONSE TO QUESTION 12 TO  
 PLAINTIFFS AND PROPONENTS AND  
 WAIVER OF CLOSING ARGUMENT**

1 Defendants, Governor Arnold Schwarzenegger, Mark B. Horton and Linette Scott, all  
2 sued in their official capacities (collectively “the Administration Defendants”) do hereby respond  
3 to this Court’s Question 12 presented to both parties, and waive closing argument in this matter  
4 as follows:

5 **A. Response to Question 12**

6 In Question 12 addressed to both sides, the court inquired:

7 How many opposite-sex couples have registered as domestic partners under  
8 California law? Are domestic partnerships between opposite-sex partners or  
9 same sex partners recognized in other jurisdictions? If appropriate, the parties  
may rely on documents subject to judicial notice to answer this question.

10 **1. Number of Opposite Sex Couples Registered**

11 The California Secretary of State’s office is charged with maintaining the Domestic  
12 Partners Registry. *See* Cal. Fam. Code §§ 298, 298.5. The Secretary of State’s office has  
13 notified counsel for the Administration Defendants that the Declaration of Domestic Partnership  
14 form filled out by registrants does not capture gender-based information, nor does the Secretary  
15 of State’s office attempt to separately ascertain or track such information. Therefore, the  
16 Secretary of State’s office does not have information that is readily obtainable as to how many  
17 opposite-sex couples have registered under California law.

18 **2. Recognition of Domestic Partnerships in Other Jurisdictions**

19 Several jurisdictions recognize domestic partnerships entered into in California. To the  
20 best of the Administrative Defendants’ knowledge, Connecticut, District of Columbia, Nevada,  
21 New Hampshire, New Jersey, and Washington recognize domestic partnerships entered into in  
22 California. *See* Conn. Gen. Stat. § 46b-28a; D.C. Code § 32-702(i)(1)-(2); Nev. Rev. Stat. §  
23 122A.500; N.H. Rev. Stat. Ann. § 457:45; N.J. Stat. § 26:8A-6(c); Wash. Rev. Code §  
24 26.60.090.

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2 **B. Waiver of Closing Argument**

3 The Administration Defendants advise the Court that they are hereby waiving closing  
4 argument in this matter. Therefore, the Administration Defendants will not offer any oral  
5 argument. The Administration Defendants have no opinion as to how the Court should allocate  
6 their allotted time.

7 Dated: June 15, 2010

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11 By: /s/  
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13 Attorneys for Defendants Arnold Schwarzenegger,  
14 Mark B. Horton, and Linette Scott  
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