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21 Attorneys for Plaintiffs

22 **UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA (OAKLAND DIVISION)**

24 MICHAEL DRAGOVICH, MICHAEL
25 GAITLEY, ELIZABETH LITTERAL,
26 PATRICIA FITZSIMMONS, CAROLYN
27 LIGHT, CHERYL LIGHT, DAVID BEERS,
28 CHARLES COLE, RAFAEL V. DOMINGUEZ,
and JOSE G. HERMOSILLO, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
TREASURY, TIMOTHY GEITHNER, in his
official capacity as Secretary of the Treasury,
United States Department of the Treasury,
INTERNAL REVENUE SERVICE, DOUGLAS
SHULMAN, in his official capacity as
Commissioner of the Internal Revenue Service,
BOARD OF ADMINISTRATION OF
CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM, and ANNE
STAUSBOLL, in her official capacity as Chief
Executive Officer, CalPERS,

Defendants.

Case No. CV 4:10-01564-CW

**STIPULATION AND PROPOSED ORDER
REGARDING PLAINTIFFS' EXPERT
WITNESSES**

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WHEREAS, plaintiffs will be filing a Motion for Summary Judgment and/or Summary Adjudication on January 19, 2012;

WHEREAS, plaintiffs intend to use expert declarations from the following experts: George Chauncey, Nancy F. Cott, Michael Lamb, Letitia Anne Peplau, and Gary Segura;

WHEREAS, these same experts submitted declarations and were deposed in connection with a similar pending case, *Windsor v. United States*, No. 10cv 08435 BSJ JCF (S.D.N.Y.);

WHEREAS, these depositions were jointly captioned with another similar pending case, *Pedersen v. OPM*, 310 CV 1750 (VLB) (D. Conn.);

WHEREAS, a May 27, 2011 scheduling order in *Pedersen*, attached as Exhibit A, coordinated the expert discovery in *Pedersen* and *Windsor* such that the same expert depositions could be used in both cases;

WHEREAS, the expert declarations plaintiffs intend to submit in this case will be substantively identical to the declarations submitted in the *Windsor* and *Pedersen* cases;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

When plaintiffs' experts George Chauncey, Nancy F. Cott, Michael Lamb, Letitia Anne Peplau, and Gary Segura submit declarations in connection with the above-captioned action that are substantively identical to those submitted in *Windsor* and *Pedersen*, the experts will not be subject to deposition. The deposition transcripts of these experts taken in connection with *Windsor* may be used for all purposes in the above-captioned action.

So stipulated,

LEGAL AID SOCIETY –
EMPLOYMENT LAW CENTER

Dated: December 21, 2011

By: /s/ Claudia Center
Claudia Center, Counsel for Plaintiffs

BIPARTISAN LEGAL ADVISORY GROUP
OF THE HOUSE OF REPRESENTATIVES

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Dated: December 21, 2011

By: /s/ H. Christopher Bartolomucci
H. Christopher Bartolomucci, Counsel for BLAG

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GENERAL ORDER 45 ATTESTATION

In accordance with General Order 45, concurrence in the filing of this document has been obtained from each of the signatories and I shall maintain records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request by a party.

/s/ Claudia Center
Claudia Center

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ORDER

It is so ordered.

12/22/2011

Dated



UNITED STATES DISTRICT JUDGE