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

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

14 KRISTIN M. PERRY, SANDRA B. STIER,) Case No. 09 CV 2292 VRW
PAUL T. KATAMI, and JEFFREY J.)
15 ZARRILLO,) **THE ADMINISTRATION'S CASE**
Plaintiffs,) **MANAGEMENT STATEMENT**
16 v.)
17 ARNOLD SCHWARZENEGGER, in his)
official capacity as Governor of California,) Date: August 19, 2009
18 et al.) Time: 10:00 a.m.
Defendants.) Judge: Hon. Vaughn R. Walker
19 Courtroom: 6
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21 Pursuant to the Court's Minute Order dated July 2, 2009 (Docket No. 77), and Civil Local
22 Rule 16-9, defendants Arnold Schwarzenegger, in his official capacity as Governor of the State
23 of California, Mark B. Horton, in his official capacity as Director of the California Department of
24 Public Health and State Registrar of Vital Statistics, and Linette Scott, in her official capacity as
25 Deputy Director of Health Information & Strategic Planning for the California Department of
26 Public Health (collectively, the "Administration"), hereby submit their Case Management
27 Statement.

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1 **1. JURISDICTION AND SERVICE:**

2 Plaintiffs' complaint is brought pursuant to 42 U.S.C. §1983. Thus jurisdiction is proper
3 under 28 U.S.C. § 1331.

4 To the Administration's knowledge, all defendants have been served and there are no
5 unresolved issues relating to personal jurisdiction or venue.

6 **2. FACTS:**

7 Plaintiffs challenge Proposition 8, which was enacted in November 2008 and provides:
8 "Only marriage between a man and a woman is valid or recognized in California."

9 It is the Administration's understanding that plaintiffs and interveners will file case
10 management statements setting forth the factual disputes and agreed facts, if any, in this case.

11 **3. LEGAL ISSUES:**

12 Plaintiffs' complaint asserts that Proposition 8 violates the due process and equal
13 protection clauses of the United States Constitution by limiting marriage to opposite-sex couples.

14 **4. MOTIONS:**

15 Several motions to intervene are pending. The Administration has filed statements of
16 non-opposition as to those motions.

17 The Administration reserves the right to file appropriate motions as necessary in the
18 course of the proceedings. The Administration anticipates that this dispute may be resolved by
19 cross-motions for summary judgment.

20 **5. AMENDMENT OF PLEADINGS:**

21 The Administration does not anticipate amending its answer at this time, but reserves the
22 right to request leave of Court to do so.

23 **6. EVIDENCE PRESERVATION:**

24 Not applicable.

25 **7. DISCLOSURES:**

26 The parties have not yet complied with the initial disclosure requirements of Federal Rule
27 of Civil Procedure 26.

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1 **8. DISCOVERY:**

2 No discovery has been conducted to date. It is the Administration's understanding that
3 plaintiffs and interveners will file case management statements setting forth their views on what
4 discovery needs to be taken.

5 **9. CLASS ACTIONS:**

6 Not applicable.

7 **10. RELATED CASES:**

8 None.

9 **11. RELIEF:**

10 Plaintiffs seek declaratory relief and a permanent injunction enjoining enforcement or
11 application of Proposition 8.

12 **12. SETTLEMENT AND ADR:**

13 Given the nature of the dispute, settlement appears highly unlikely.

14 **13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES:**

15 The Administration does not consent to have a magistrate judge conduct all further
16 proceedings.

17 **14. OTHER REFERENCES:**

18 The Administration does not believe that this case is suitable for reference at this time.

19 **15. NARROWING OF ISSUES:**

20 To the Administration's knowledge, plaintiffs and interveners will file case management
21 statements setting forth issues that can be narrowed by motions or stipulated facts.

22 **16. EXPEDITED SCHEDULE:**

23 The Administration respectfully urges the Court to impose a case management plan that
24 will facilitate a prompt, expeditious resolution of the merits.

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1 **17. SCHEDULING:**

2 The Administration suggests that, following plaintiffs' and interveners' identification of
3 disputed facts, stipulated facts and potential areas of discovery, the Court schedule a further
4 status conference to set dates for designation of experts, discovery cutoff, hearing of dispositive
5 motions, pretrial conference and trial.

6 **18. TRIAL:**

7 As plaintiffs seek injunctive relief, trial will be to the Court.

8 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS:**

9 Not applicable.

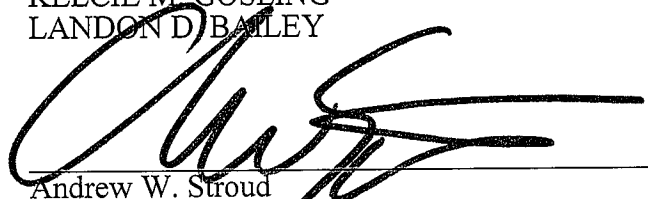
10 **20. OTHER MATTERS:**

11 Not applicable.

12 Dated: August 7, 2009

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16 By: _____



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23 Linette Scott, in her official capacity as Deputy
24 Director of Health Information & Strategic Planning
25 for the California Department of Public Health
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1 Case Name: *Perry, et al. v. Schwarzenegger, et al.*;
Case No: US District Court, Northern District, Case No. 3:09-cv-09-2292 VRW

2
3 **CERTIFICATE OF SERVICE**

4 I declare as follows:

5 I am a resident of the State of California and over the age of eighteen years, and
6 not a party to the within action; my business address is 980 9th Street, Suite 1700, Sacramento,
California 95814. On August 7, 2009, I served the within documents:

7 **THE ADMINISTRATION'S CASE MANAGEMENT STATEMENT**

8 by placing the document(s) listed above in a sealed Federal Express
9 envelope and affixing a pre-paid air bill, and delivering to a Federal
10 Express agent for delivery.

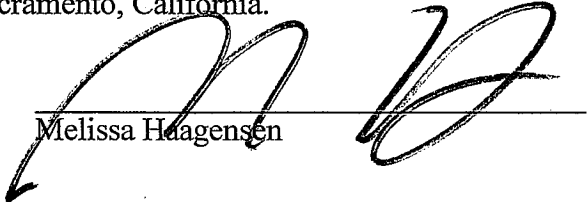
11 by placing the document(s) listed above in a sealed envelope, with postage
12 thereon fully prepared, in the United States mail at Sacramento, California
addressed as set forth below.

13 **SEE ATTACHED SERVICE LIST**

14 I am readily familiar with the firm's practice of collection and processing
15 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal
Service on that same day with postage thereon fully prepared in the ordinary course of business.

16 I declare that I am employed in the office of a member of the bar of this Court at
17 whose direction this service was made.

18 Executed on August 7, 2009, at Sacramento, California.

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Melissa Haagensen

SERVICE LIST

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