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14 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,  
18 PAUL T. KATAMI, and JEFFREY J.  
ZARRILLO,

19 Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, in his official  
capacity as Governor of California; EDMUND  
22 G. BROWN, JR., in his official capacity as  
Attorney General of California; MARK B.  
23 HORTON, in his official capacity as Director of  
the California Department of Public Health and  
State Registrar of Vital Statistics; LINETTE  
24 SCOTT, in her official capacity as Deputy  
Director of Health Information & Strategic  
25 Planning for the California Department of Public  
Health; PATRICK O'CONNELL, in his official  
26 capacity as Clerk-Recorder for the County of  
Alameda; and DEAN C. LOGAN, in his official  
27 capacity as Registrar-Recorder/County Clerk for  
the County of Los Angeles,

28 Defendants.

CASE NO. 09-CV-2292 VRW

**PLAINTIFFS' FIRST SET OF  
REQUESTS FOR PRODUCTION  
TO DEFENDANTS-INTERVENORS  
PROPOSITION 8 PROPONENTS AND  
PROTECTMARRIAGE.COM**

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs hereby  
2 propound the following Requests for Production (“Requests”) on Defendants-Intervenors  
3 Proposition 8 Proponents and Protectmarriage.com, to be answered fully, in writing, and under oath,  
4 no later than 30 days after service of these Requests. All objections, responses, and responsive  
5 documents shall be served in compliance with Rules 26 and 34 and produced to Gibson, Dunn &  
6 Crutcher LLP, c/o Ethan Dettmer, 555 Mission Street, Suite 3000, San Francisco, California 94105.

7 **DEFINITIONS**

8 The definitions, instructions, and requirements of Federal Rules of Civil Procedure 26, 34,  
9 and 37 are adopted and incorporated by this reference. The following words and phrases shall have  
10 the following meanings in these Requests:

11 1. “You,” “your,” or “intervenors” mean, individually and collectively, the persons and  
12 organizations Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam,  
13 Mark A. Jansson, and Protectmarriage.com – Yes on 8, A Project of California Renewal, who are  
14 defendant-intervenors in the instant action.

15 2. “Proposition 8” or “Prop. 8” means the proposition that was placed on the November,  
16 2008 ballot in the State of California and became known as “Proposition 8” for purposes of that  
17 election. No reference to “Proposition 8” or “Prop. 8” shall be construed as limited by the date on  
18 which Proposition 8 received its official number (“8”) or ballot title on the November, 2008  
19 California ballot.

20 3. “Document” shall be synonymous in meaning and equal in scope to the broadest  
21 meaning provided by Rule 34 of the Federal Rules of Civil Procedure, including without limitation,  
22 hard copies, electronic documents, electronic or computerized data compilations, software, software  
23 images, or downloads. This term shall apply to documents, whether in hard copy or electronic form,  
24 on your computers or the computers of your employees and independent contractors or consultants,  
25 whether provided by you to such individuals or otherwise.

26 4. “Communication” means the transmittal of information in the form of facts, ideas,  
27 inquiries, thoughts, or otherwise, and without limitation as to means or method.



1 6. Your obligation to respond to these Requests is continuing in nature, and pursuant to  
2 Rule 26(e) of the Federal Rules of Civil Procedure, you are required to supplement your responses in  
3 the event new or additional information is discovered or obtained.

4 7. Each Request applies to the period from January 1, 2006 through and including the  
5 date of production.

6 8. Defendant-intervenors and Plaintiffs shall confer prior to defendant-intervenors' time  
7 to respond to this set of discovery requests so that the parties can reach an agreement under Rule  
8 34(e) of the Federal Rules of Civil Procedure as to the procedures that will be applied to the  
9 production of documents or electronically stored information.

10 **REQUESTS FOR PRODUCTION**

11 **REQUEST FOR PRODUCTION NO. 1:**

12 All documents constituting literature, pamphlets, flyers, direct mail, advertisements, emails,  
13 text messages, press releases, or other materials that were distributed to voters, donors, potential  
14 donors, or members of the media regarding Proposition 8.

15 **REQUEST FOR PRODUCTION NO. 2:**

16 All versions of any internet advertisement relating to Proposition 8.

17 **REQUEST FOR PRODUCTION NO. 3:**

18 All versions of any television advertisement relating to Proposition 8.

19 **REQUEST FOR PRODUCTION NO. 4:**

20 All versions of any radio advertisement relating to Proposition 8.

21 **REQUEST FOR PRODUCTION NO. 5:**

22 All plans, schematics, and versions of the websites that have ever been available at the URLs  
23 <http://www.protectmarriage.com> or <http://www.protectmarriage.net>.

24 **REQUEST FOR PRODUCTION NO. 6:**

25 All documents constituting communications prepared for public distribution and related to  
26 Proposition 8, including without limitation speeches, scripts, talking points, articles, notes, and  
27 automated telemarketing phone calls.  
28

1 **REQUEST FOR PRODUCTION NO. 7:**

2 All documents constituting postings related to Proposition 8 that were made by you on social  
3 networking websites, including but not limited to Facebook, MySpace, and Twitter.

4 **REQUEST FOR PRODUCTION NO. 8:**

5 All versions of any documents that constitute communications relating to Proposition 8,  
6 between you and any third party, including, without limitation, members of the public or the media.

7 **REQUEST FOR PRODUCTION NO. 9:**

8 All documents that tend to support or refute the claims, denials, or assertions made in your  
9 [Proposed] Answer in this litigation (Doc #9).

10 **REQUEST FOR PRODUCTION NO. 10:**

11 All documents that tend to support or refute the arguments made in your Memorandum in  
12 Opposition to Motion for Preliminary Injunction in this litigation (Doc #36).

13 **REQUEST FOR PRODUCTION NO. 11:**

14 Documents sufficient to show the title of everyone employed by Protect Marriage, at any  
15 time, including but not limited to organizational charts.

16 **REQUEST FOR PRODUCTION NO. 12:**

17 All documents reflecting public media coverage of Proposition 8.

18 **REQUEST FOR PRODUCTION NO. 13:**

19 All documents that tend to support or refute your responses to Plaintiffs' Interrogatories  
20 Nos. 1-3 propounded on August 21, 2009.

21 **REQUEST FOR PRODUCTION NO. 14:**

22 All documents that tend to support or refute any one of your responses to Plaintiffs' Requests  
23 for Admission Nos. 1-68, propounded on August 21, 2009, that is not an unequivocal admission.

24 **REQUEST FOR PRODUCTION NO. 15:**

25 All documents that you intend to use as exhibits at trial in this litigation.

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1 DATED: August 21, 2009

GIBSON, DUNN & CRUTCHER LLP

2  
3 By:



Matthew D. McGill

4 and

5 BOIES, SCHILLER & FLEXNER LLP

6 David Boies

7 Attorneys for Plaintiffs KRISTIN M. PERRY,  
8 SANDRA B. STIER, PAUL T. KATAMI, AND  
9 JEFFREY J. ZARRILLO

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