Exhibit D

JAMES C. HARRISON, State Bar No. 161958
KARI KROGSENG, State Bar No. 215263
REMCHO, JOHANSEN & PURCELL, LLP
201 Dolores Avenue
San Leandro, CA 94577
Phone: (510) 346-6200
Fax: (510) 346-6201
Email: kkrogseng@rjp.com

Attorneys for Third Party Subpoena Recipients
Californians Against Eliminating Basic Rights

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

KRISTIN M. PERRY, et al., Plaintiffs, vs. ARNOLD SCHWARZENEGGER, et al., Respondents.	No.: 09-cv-2292 VRW **OBJECTIONS TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES**

Pursuant to Federal Rules of Civil Procedure Rule 45, third party Californians Against Eliminating Basic Rights hereby objects to the subpoena served upon it by intervenors-defendants Proposition 8 Proponents and ProtectMarriage.com.

GENERAL STATEMENTS

1. Californians Against Eliminating Basic Rights has not completed its factual investigation in connection with the Subpoena. Accordingly, these objections are provided without prejudice to Californians Against Eliminating Basic Rights's right to produce subsequently discovered documents and materials, or to modify, change or amend in any way these responses. The information provided in these objections is nevertheless true and correct to the best knowledge of Californians Against Eliminating Basic Rights at this time.

2. The general objections set forth below are incorporated into the responses to the specific requests propounded by intervenors-defendants. The fact that a specific response may mention one or more of the general objections does not mean that the other general objections do not apply to that request.

GENERAL OBJECTIONS

1. Californians Against Eliminating Basic Rights objects to the Subpoena because it seeks production of documents which are not relevant to the claims or defenses of a party of this action and are not reasonably calculated to lead to the discovery of admissible evidence. The Subpoena was issued for improper tactical purposes and not for the purpose of obtaining discoverable information.

2. Californians Against Eliminating Basic Rights objects to the Subpoena on the grounds that it is unduly burdensome.

3. Californians Against Eliminating Basic Rights objects to the Subpoena to the extent that it requires disclosing confidential research and proprietary information.

4. Californians Against Eliminating Basic Rights objects to the Subpoena because instead of limiting the scope of its requests in the Subpoena itself, intervenors-defendants improperly state in a cover letter accompanying the Subpoena that the requests should be limited with "narrowing

constructions" so that "the requests contained in this subpoena do not include the organization's internal communications and documents, including communications between the organization and its agents, contractors, attorneys, or others in a similarly private and confidential relationship with the organization" and "to the extent [the requests] call for communications or documents prepared for public distribution, include only documents that were actually disclosed to the public." Nevertheless, Californians Against Eliminating Basic Rights hereby incorporates intervenors-defendants' narrowing constructions, and will not produce any documents that fall outside of the above limitations.

5. To the extent that the Subpoena may be construed, in spite of the narrowing constructions, to call for the production of documents or information that is subject to any claim of privilege, including but not limited to the attorney-client privilege, the work-product doctrine, and the right to privacy, Californians Against Eliminating Basic Rights hereby asserts that doctrine or privilege and objects to the Subpoena on that basis.

6. Inadvertent production of any document subject to any applicable privilege shall not operate as a waiver of the right to object to any use of such document or of the information contained therein.

7. To the extent not objected to herein, and to the extent that the documents referred to in intervenors-defendants' Subpoena are in the possession, custody or control of Californians Against Eliminating Basic Rights, documents will be produced on September 17, 2009 at the Law Firm of J. Hector Moreno, Jr. and Associates, or at such time and place as shall be agreed upon by counsel for intervenors-defendants and Californians Against Eliminating Basic Rights.

8. The response set forth below, and production of documents pursuant hereto, is made without waiver of, and is subject to, any applicable objection set forth herein.

DOCUMENTS TO BE PRODUCED

REQUEST NO. 1:

Produce all documents constituting literature, pamphlets, flyers, direct mail, advertisements, emails, text messages, press releases, or other materials that you distributed to voters, donors, potential donors, or members of the media regarding Proposition 8.

RESPONSE TO REQUEST NO. 1:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Notwithstanding these objections, Californians Against Eliminating Basic Rights will produce all documents in its possession that are responsive to this request, subject to its objections and the narrowing constructions set forth in intervenors-defendants' cover letter.

REQUEST NO. 2:

Produce all versions of any internet advertisement relating to Proposition 8 that you had any involvement [sic] producing, creating, or distributing.

RESPONSE TO REQUEST NO. 2:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Californians Against Eliminating Basic Rights will not produce documents in response to this request because it did not produce, create, or distribute internet advertisements relating to Proposition 8.

REQUEST NO. 3:

Produce all versions of any television advertisement relating to Proposition 8 that you had any involvement [sic] producing, creating, or distributing.

RESPONSE TO REQUEST NO. 3:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Californians Against Eliminating Basic Rights will not produce documents in response to this request because it did not produce, create, or distribute television advertisements relating to Proposition 8.

REQUEST NO. 4:

Produce all versions of any radio advertisement relating to Proposition 8 that you had any involvement in producing, creating, or distributing.

RESPONSE TO REQUEST NO. 4:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Californians Against Eliminating Basic Rights will not produce documents in response to this request because it did not produce, create, or distribute radio advertisements relating to Proposition 8.

REQUEST NO. 5:

Produce all plans, schematics, and versions of websites relating to Proposition 8 that you hosted, paid for, or sponsored.

RESPONSE TO REQUEST NO. 5:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Notwithstanding these objections, Californians Against Eliminating Basic Rights will produce all documents in its possession that are responsive to this

request, subject to its objections and the narrowing constructions set forth in intervenors-defendants' cover letter.

REQUEST NO. 6:

Produce all documents constituting communications that you prepared for public distribution relating to Proposition 8, including but not limited to speeches, scripts, talking points, articles, notes, and automated telemarketing phone calls.

RESPONSE TO REQUEST NO. 6:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Notwithstanding these objections, Californians Against Eliminating Basic Rights will produce all documents in its possession that are responsive to this request, subject to its objections and the narrowing constructions set forth in intervenors-defendants' cover letter.

REQUEST NO. 7:

Produce all documents reflecting your postings related to Proposition 8 on social networking websites, including but not limited to Facebook, MySpace, and Twitter.

RESPONSE TO REQUEST NO. 7:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Californians Against Eliminating Basic Rights will not produce documents in response to this request because it made no postings related to Proposition 8 on social networking websites.

REQUEST NO. 8:

Produce all versions of any documents that reflect communications relating to Proposition 8 between you and any third party, including but not limited to members of the media.

RESPONSE TO REQUEST NO. 8:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, and seeks documents that are not relevant to this action. Notwithstanding these objections, Californians Against Eliminating Basic Rights will produce all documents in its possession that reflect communications relating to Proposition 8 between it and members of the media or the general public, subject to its objections and the narrowing constructions set forth in intervenors-defendants' cover letter.

REQUEST NO. 9:

Produce documents showing the name and title of every employee of your organization since January 2008 who was involved in your campaign against Proposition 8, including but not limited to organizational charts.

RESPONSE TO REQUEST NO. 9:

Californians Against Eliminating Basic Rights has had no paid employees, so it has no documents responsive to this request.

REQUEST NO. 10:

Produce all documents reflecting public media coverage of Proposition 8 referring or related to your organization.

RESPONSE TO REQUEST NO. 10:

Californians Against Eliminating Basic Rights incorporates by reference herein its general statements and general objections. Californians Against Eliminating Basic Rights further objects on the grounds that the request is overbroad, unduly burdensome, and vague, seeks documents that are not relevant to this action, and are documents that intervenors-defendants could just as easily access themselves. Notwithstanding these objections, Californians Against Eliminating Basic Rights

will produce all documents in its possession that are responsive to this request, subject to its objections and the narrowing constructions set forth in intervenors-defendants' cover letter.

Dated: September 10, 2009

James C. Harrison
Kari Krogseng
REMCHO, JOHANSEN & PURCELL, LLP

By: Kari Krogseng
Kari Krogseng

Attorneys for Third Party Subpoena Recipients
Californians Against Eliminating Basic Rights

(00088781-3)

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause or action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

On September 10, 2009, I served a true copy of the following document(s):

Objections to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

on the following party(ies) in said action:

James A. Campbell
15100 N. 90th Street
Scottsdale, AZ 85260
Phone: (480) 444-0020
Fax: (480) 444-0028
Email: jcampbell@telladf.org
(By Overnight Delivery, Facsimile & Email)

Attorneys for The Proposition 8 Proponents and ProtectMarriage.com

The Law Firm of J. Hector Moreno, Jr. and Associates
51 E. Campbell Avenue, Suite 128
Campbell, CA 95008
Phone: (408) 370-6160
Fax: (408) 370-6161
(By Facsimile)

Courtesy Copy

☐ **BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and

- ☐ depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- ☐ placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the businesses' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in San Leandro, California, in a sealed envelope with postage fully prepaid.

☒ **BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.

☒ **BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.

☒ **BY EMAIL TRANSMISSION**: By emailing the document(s) to the persons at the email addresses listed based on a court order or an agreement of the parties to accept service by email. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on September 10, 2009, in San Leandro, California.

Maria E. Mora

Maria E. Mora