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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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15 **KRISTIN M. PERRY, et al.,**
 Plaintiff and Appellee,
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 17 v.
 18 **ARNOLD SCHWARZENEGGER, et al.,**
 Defendant and Appellant.
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Case No. 09-CV-2292 VRW
**DEFENDANT ATTORNEY GENERAL'S
 RESPONSE TO MOTION FOR
 SUMMARY JUDGMENT AND JOINDER
 IN OPPOSITION TO MOTION FOR
 SUMMARY JUDGMENT**
 Date: October 14, 2009
 Time: 10 a.m.
 Courtroom: 6
 Judge Chief Judge Vaughn R. Walker
 Trial Date January 11, 2010
 Action Filed: May 27, 2009

23 Attorney General Edmund G. Brown Jr. opposes the motion for summary judgment filed
 24 by Defendant-Intervenors, Doc. 172, and he joins the opposition filed by Plaintiffs and Plaintiff-
 25 Intervenors (collectively, "Plaintiffs"). Although the Attorney General's analysis may differ in
 26 some respects, the Attorney General has conceded the material facts in the Plaintiffs' complaints;
 27 agrees with the Plaintiffs that Proposition 8 violates the 14th Amendment, essentially for the
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1 reasons given in *In re Marriage Cases*, 43 Cal.4th 757 (2008); agrees with Plaintiffs that some
2 issues in the case could be resolved as a matter of law in *plaintiffs'* favor, Doc. 191 at 2:9; and
3 agrees that the Court should deny the motion for summary judgment.
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5 Dated: September 23, 2009

Respectfully submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California

8
9 /s/ Gordon Burns

10 GORDON BURNS
11 Deputy Solicitor General
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