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October 2, 2009

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Client Matter No.  
T 36330-00001

The Honorable Vaughn R. Walker  
Chief Judge of the United States District Court  
for the Northern District of California  
450 Golden Gate Ave.  
San Francisco, California 94102

Re: *Perry v. Schwarzenegger, Case No. C-09-2292 VRW*

Dear Chief Judge Walker:

At the conclusion of the hearing before this Court on September 25, 2009, the Court proposed to transmit images of counsel, the witness, and the Judge in our proceeding into an overflow courtroom. All parties indicated their consent to that proposal. The Court also asked the parties to consider their respective positions on the transmission of those same images beyond the overflow courtroom. In response to a question from counsel, the Court indicated that this transmission might potentially include broadcast on a television station. On September 30, 2009, counsel for Plaintiffs initiated meet-and-confer discussions in which the parties expressed their views on the issue raised by the Court. The parties' positions, as expressed by and to Plaintiffs' counsel, are set forth below.

Plaintiffs do not object to the transmission of images from our proceeding beyond the overflow courtroom, and we would be happy to work with the parties, the Court, and others as appropriate regarding the specifics of how this would work.

Counsel for the Attorney General, the City of San Francisco, Alameda County and Los Angeles County have expressed their support for Plaintiffs' position.

Counsel for the Administration has indicated that they will support any position on which the other parties are able to reach an agreement. In the event the other parties cannot reach an agreement, the Administration will take no position.

The Honorable Vaughn R. Walker  
October 2, 2009  
Page 2

Counsel for the Defendant-Intervenors have indicated that they are still reviewing the issue raised by the Court and hope to have a position by Monday of next week. We therefore expect Defendant-Intervenors to submit their own, separate statement of position to the Court next week.

Thank you for raising this issue with the parties. Plaintiffs would be happy to discuss further with the Court should the Court wish to do so.

Respectfully submitted,

/s/ Christopher D. Dusseault

Christopher D. Dusseault  
Counsel for Plaintiffs

cc: Counsel of Record

The Honorable Vaughn R. Walker  
October 2, 2009  
Page 3

**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: /s/ Sarah E. Piepmeier  
Sarah E. Piepmeier