

# Exhibit C

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
 Central District of California

ProtectMarriage.com, et al.

**SUBPOENA IN A CIVIL CASE**

V.

Bowen, et al.

Case Number:<sup>1</sup> 2:09-CV-00058-MCE-DAD  
 In the U.S. District Court for the  
 Eastern District of California,  
 Sacramento Division

TO: Fred Karger  
 155 McAuley Place  
 Laguna Beach, California 92651

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Costa Mesa Marriott, 500 Anton Boulevard, Costa Mesa, CA 92626	DATE AND TIME 10/13/2009 9:00 am
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

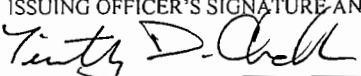
See Attachment

PLACE Costa Mesa Marriott, 500 Anton Boulevard, Costa Mesa, CA 92626	DATE AND TIME 10/13/2009 9:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Timothy D. Chandler, Attorney for Plaintiffs	DATE 9/1/09
---	----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Timothy D. Chandler, Alliance Defense Fund, 101 Parkshore Dr. Suite 100, Folsom, CA 95630  
 (916) 932-2850

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 James Bopp, Jr. (Ind. State Bar No. 2838-84)\*  
 Barry A. Bostrom (Ind. State Bar No.11912-84)\*  
 2 Richard E. Coleson (Ind. State Bar No. 11527-70)\*\*  
 Sarah E. Troupis (Wis. State Bar No. 1061515)\*  
 3 Scott F. Bieniek (Ill. State Bar No. 6295901)\*  
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 4 1 South Sixth Street  
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 5 Telephone: (812) 232-2434  
 Facsimile: (812) 235-3685  
 6 Counsel for All Plaintiffs

7  
 8 Timothy D. Chandler (Cal. State Bar No. 234325)\*\*\*  
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 101 Parkshore Drive, Suite 100  
 9 Folsom, CA 95630  
 Telephone: (916) 932-2850  
 10 Facsimile: (916) 932-2851  
 Counsel for All Plaintiffs

11 \*Admitted Pro Hac Vice  
 12 \*\* Pro Hac Vice Application Pending  
 \*\*\* Designated Counsel for Service

13  
 14 **United States District Court  
 Central District of California**

15  
 16 **ProtectMarriage.com, et al.,**

17 *Plaintiffs,*

18 *v.*

19 **Debra Bowen, et al.,**

20 *Defendants.*

Case No. 2:09-CV-00058-MCE-DAD in the  
 United States District Court for the Eastern  
 District of California, Sacramento Division

**Attachment A to Subpoena - FRCP Rule 45  
 Subpoena for the Production of Documents  
 and Appearance at Deposition Issued to Fred  
 Karger**

Date: Tuesday, October 13, 2009  
 Time: 9:00 a.m.  
 Location: Marriott Costa Mesa  
 500 Anton Boulevard  
 Costa Mesa, CA 92626

Judge Morrison C. England

25  
 26  
 27 **FRCP Rule 45 Subpoena of**  
 28 **Fred Karger**

1 In accordance with Rule 45 of the Federal Rules of Civil Procedure, you are hereby  
2 commanded to appear on Tuesday October 13, 2009 at 9:00 a.m., at the Marriott Costa Mesa,  
3 500 Anton Boulevard, Costa Mesa, CA 92626, for a deposition of your person. This deposition  
4 will be recorded by stenographic means.

5 In accordance with Rule 45 of the Federal Rules of Civil Procedure, you are also hereby  
6 commanded to produce for inspection and copying on Tuesday October 13, 2009 at 9:00 a.m., at  
7 the Marriott Costa Mesa, 500 Anton Boulevard, Costa Mesa, CA 92626, the documents  
8 described herein, in accordance with the following definitions and instructions:

9 **Documents Commanded to Produce**

10 1. Any and all of communications (including but not limited to emails, faxes, and letters)  
11 sent or received by any officers and/or employees of Californians Against Hate between January  
12 1, 2008 and the present, related to the following websites, or any other websites related to  
13 Proposition 8 sponsored by, run by, or promoted by Californians Against Hate:

14 <http://californiansagainsthate.com/>  
15 <http://www.boycottmanchesterhotels.com/>  
<http://boycotta-1selfstorage.com/>

16 2. Any and all documents or electronically stored information, as defined in Federal Rule  
17 of Civil Procedure 34(a)(1)(A), created between January 1, 2008 and the present, related to the  
18 purpose or purposes behind the following websites, or any other websites related to Proposition 8  
19 sponsored by, run by, or promoted by Californians Against Hate:

20 <http://californiansagainsthate.com/>  
21 <http://www.boycottmanchesterhotels.com/>  
<http://boycotta-1selfstorage.com/>

22 3. Any and all documents, as defined in Federal Rule of Civil Procedure 34(a)(1)(A),  
23 created between January 1, 2008 and the present, showing where Californians Against Hate  
24 received the information on the donors who supported Proposition 8, the amount those donors  
25 gave in support of Proposition 8, the personal information on those donors, and/or the employers  
26 of those donors, as listed on the following websites, or any other websites related to Proposition

27 **FRCP Rule 45 Subpoena of**  
28 **Fred Karger**



1 8 sponsored by, run by, or promoted by Californians Against Hate:

2 <http://californiansagainsthate.com/>  
3 <http://www.boycottmanchesterhotels.com/>  
4 <http://boycotta-1selfstorage.com/>

4 4. Any and all documents, as defined in Federal Rule of Civil Procedure 34(a)(1)(A),  
5 created between January 1, 2008 and the present, showing how the donor information listed on  
6 the following websites has been further disseminated to other people, or as listed on any other  
7 websites related to Proposition 8 sponsored by, run by, or promoted by Californians Against  
8 Hate:

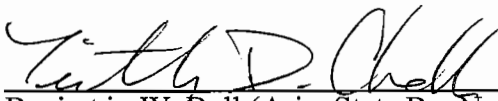
9 <http://californiansagainsthate.com/>  
10 <http://www.boycottmanchesterhotels.com/>  
11 <http://boycotta-1selfstorage.com/>

11 5. Any and all financial records of Californians Against Hate filed with the IRS, including  
12 IRS Form 1024 and all IRS Form 990's.

13 6. A list of all officers and employees of Californians Against Hate, including all current  
14 or former officers and employees.

15 Dated this 1<sup>st</sup> day of September, 2009.

16 Respectfully submitted,

17   
18 Benjamin W. Bull (Ariz. State Bar No. 009940)  
19 ALLIANCE DEFENSE FUND  
20 15100 North 90th Street  
21 Scottsdale, Arizona 85260  
22 Counsel for All Plaintiffs

23 Timothy D. Chandler (Cal. Bar No. 234325)  
24 ALLIANCE DEFENSE FUND  
25 101 Parkshore Drive, Suite 100  
26 Folsom, CA 95630  
27 Counsel for All Plaintiffs  
28 Designated Counsel for Service

James Bopp, Jr. (Ind. Bar No. 2838-84)  
Barry A. Bostrom (Ind. Bar No. 11912-84)  
Sarah E. Troupis (Wis. Bar No. 1061515)  
Scott F. Bieniek (Ill. Bar No. 6295901)  
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