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December 3, 2009

The Honorable Joseph C. Spero
United States Magistrate Judge
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

RE: Perry v. Schwarzenegger
Case No. 09-2292 VRW

Dear Judge Spero:

Because of his limited role in this case, the Attorney General did not participate in the negotiation of a protective order. While mindful of his limited role, the Attorney General is moved to respond to the proposed protective orders submitted by Defendant Intervenors (Proponents) and by the Plaintiffs. Both of these proposed orders would have this Court draw an illogical distinction between lawyers employed by private firms and lawyers employed directly by the government. This distinction leads to anomalous results. For example, the Governor (who is represented in this matter by private counsel) would have access to certain documents, but the Attorney General, Alameda County, Los Angeles County, and the City and County of San Francisco would not. Accordingly, the Attorney General asks the Court not to incorporate this distinction in the final order.

Respectfully submitted,

/s/ Tamar Pachter
TAMAR PACHTER
Deputy Attorney General

For EDMUND G. BROWN JR.
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