

1 COOPER AND KIRK, PLLC  
 Charles J. Cooper (DC Bar No. 248070)\*  
 2 *ccooper@cooperkirk.com*  
 David H. Thompson (DC Bar No. 450503)\*  
 3 *dthompson@cooperkirk.com*  
 Howard C. Nielson, Jr. (DC Bar No. 473018)\*  
 4 *hnielson@cooperkirk.com*  
 Nicole J. Moss (DC Bar No. 472424)\*  
 5 *nmoss@cooperkirk.com*  
 Peter A. Patterson (OH Bar No. 0080840)\*  
 6 *ppatterson@cooperkirk.com*  
 1523 New Hampshire Ave. N.W., Washington, D.C. 20036  
 7 Telephone: (202) 220-9600, Facsimile: (202) 220-9601

8 LAW OFFICES OF ANDREW P. PUGNO  
 Andrew P. Pugno (CA Bar No. 206587)  
 9 *andrew@pugnotlaw.com*  
 101 Parkshore Drive, Suite 100, Folsom, California 95630  
 10 Telephone: (916) 608-3065, Facsimile: (916) 608-3066

11 ALLIANCE DEFENSE FUND  
 Brian W. Raum (NY Bar No. 2856102)\*  
 12 *braum@telladf.org*  
 James A. Campbell (OH Bar No. 0081501)\*  
 13 *jcampbell@telladf.org*  
 15100 North 90th Street, Scottsdale, Arizona 85260  
 14 Telephone: (480) 444-0020, Facsimile: (480) 444-0028

15 ATTORNEYS FOR DEFENDANT-INTERVENORS DENNIS HOLLINGSWORTH,  
 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,  
 16 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A  
 PROJECT OF CALIFORNIA RENEWAL

17 \* Admitted *pro hac vice*

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, SANDRA B. STIER, PAUL  
 21 T. KATAMI, and JEFFREY J. ZARRILLO,

22 Plaintiffs,

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Plaintiff-Intervenor,

25 v.

26 ARNOLD SCHWARZENEGGER, in his official  
 27 capacity as Governor of California; EDMUND G.  
 BROWN, JR., in his official capacity as Attorney  
 28 General of California; MARK B. HORTON, in his

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS'  
 DESIGNATION OF DISCOVERY  
 EXCERPTS**

**Pretrial Conference**

Date: December 16, 2009  
 Time: 10:00 a.m.  
 Judge: Chief Judge Vaughn R. Walker  
 Location: Courtroom 6, 17th Floor

Trial Date: January 11, 2010

1 official capacity as Director of the California  
2 Department of Public Health and State Registrar of  
3 Vital Statistics; LINETTE SCOTT, in her official  
4 capacity as Deputy Director of Health Information  
5 & Strategic Planning for the California Department  
6 of Public Health; PATRICK O'CONNELL, in his  
7 official capacity as Clerk-Recorder for the County  
8 of Alameda; and DEAN C. LOGAN, in his official  
9 capacity as Registrar-Recorder/County Clerk for  
10 the County of Los Angeles,

11  
12  
13 Defendants,

14 and

15 PROPOSITION 8 OFFICIAL PROPONENTS  
16 DENNIS HOLLINGSWORTH, GAIL J.  
17 KNIGHT, MARTIN F. GUTIERREZ, HAK-  
18 SHING WILLIAM TAM, and MARK A.  
19 JANSSON; and PROTECTMARRIAGE.COM –  
20 YES ON 8, A PROJECT OF CALIFORNIA  
21 RENEWAL,

22  
23 Defendant-Intervenors.  
24  
25  
26  
27  
28

Additional Counsel for Defendant-Intervenors

ALLIANCE DEFENSE FUND

Timothy Chandler (CA Bar No. 234325)

*tchandler@telladf.org*

101 Parkshore Drive, Suite 100, Folsom, California 95630

Telephone: (916) 932-2850, Facsimile: (916) 932-2851

Jordan W. Lorence (DC Bar No. 385022)\*

*jlorence@telladf.org*

Austin R. Nimocks (TX Bar No. 24002695)\*

*animocks@telladf.org*

801 G Street NW, Suite 509, Washington, D.C. 20001

Telephone: (202) 393-8690, Facsimile: (202) 347-3622

\* Admitted *pro hac vice*

Pursuant to the Court's Pretrial Scheduling Order, Doc # 164, Defendant-Intervenors ("Proponents") respectfully submit this statement identifying (1) deposition testimony and (2) interrogatory answers and requests for admission that may be used as part of their direct case. Proponents may also rely upon deposition testimony and/or interrogatory answers and requests for admission designated by other parties to this case.

**I. Deposition Testimony<sup>1</sup>**

<b>Witness</b>	<b>Designations</b>
Chauncey	4:2-4:8; 15:1-15:13; 16:5-19:13; 20:25-24:8; 32:10-33:17; 34:2-34:17; 36:1-36:23; 37:8-37:25; 39:4-39:24; 44:1-50:24; 51:20-52:4; 52:23-55:4; 57:24-67:1; 68:6-69:5; 74:18-75:20; 78:6-79:3; 82:25-83:10; 104:23-105:11; 108:11-109:20; 110:25-111:4; 112:14-113:5; 115:17-116:11; 123:5-123:10; 127:5-127:17; 137:14-137:22; 138:3-138:10; 140:25-141:8; 142:19-144:20; 148:9-148:17; 157:5-157:24; 166:6-166:18; 168:14-169:19; 174:1-174:13; 177:3-178:1; 179:16-179:20
Cott	5:1-5:10; 23:5-23:15; 28:11-32:15; 34:19-36:20; 65:19-90:24; 145:6-146:8; 151:15-151:23; 162:24-163:25; 166:20-167:2; 167:19-170:4; 174:1-176:20; 181:25-182:9; 184:21-185:18; 205:19-207:16; 213:19-215:4; 226:24-228:16
Egan	7:4-7:13; 10:22-12:14; 19:4-20:8; 29:24-30:17; 32:16-33:6; 39:17-40:10; 74:6-74:14; 180:18-181:17; 181:21-182:8; 185:20-186:12; 205:24-207:4; 218:6-219:10; 220:14-220:21; 224:22-225:21; 226:9-226:21
Hamermesh	6:4-6:6; 11:14-12:7; 12:18-12:21; 13:1-13:11; 41:16-42:5; 58:23-60:9; 68:22-69:14; 76:16-77:25; 79:17-80:2; 85:16-86:1; 98:19-99:9; 99:15-99:20; 126:14-126:24; 136:22-137:21; 140:7-140:15; 141:7-141:18; 143:8-143:21; 144:22-145:5; 145:14-145:24; 161:6-162:4; 164:22-165:10; 174:3-174:16; 175:22-176:4; 182:6-182:18; 183:11-185:2; 193:3-193:13
Lamb	6:11-6:21; 97:6-98:13; 99:4-99:18; 187:4-187:12; 187:20-189:9
Meyer	5:1-4; 39:15-22; 49:10-19; 50:2-15; 51:20-25; 52:1-13; 64:5-15; 74:7-17; 77:19-25; 76:2-23; 85:5-11; 85:17-25; 86:2-3; 108:12-23; 124:3-24; 125:2-14; 130:7-25; 131:2-7; 160:14-25; 161:2-25; 162:2-13; 164:2-25; 165:2-10; 166:13-25; 167:2-25; 168:2-5; 173:24-25; 174:2-14; 187:4-25; 188:2-25; 189:2-13; 190:2-25; 191:2-25; 192:2-25; 193:2-25; 194:2-17
Peplau	5:4-5:6; 8:25-11:15; 44:9-46:4; 121:5-125:22; 190:23-192:5; 199:15-200:5; 223:6-225:9
Perry	6:1-6:6; 7:3-7:4; 14:10-14:21; 16:11-17:1; 17:18-18:17; 19:1-20:17; 20:21-21:6; 23:1-23:22; 24:6-25:7; 26:4-26:12; 27:17-27:24; 28:22-29:5; 29:13-29:16; 31:6-31:12; 31:18-31:20; 32:14-32:18; 32:23-33:2; 33:13-33:14; 37:10-37:18; 38:6-38:15; 40:18-41:2; 41:11-43:6; 53:10-53:22; 54:7-55:8; 69:15-72:14; 75:1-71:22; 76:1-76:8; 87:22-88:10; 110:7-111:3; 117:17-118:8; 120:5-120:12; 124:13-125:8; 134:15-135:5; 136:22-137:23; 140:6-140:18; 141:7-141:19; 145:3-147:2;

<sup>1</sup> Proponents reserve the right to designate testimony for use as part of their direct case at trial from the depositions of M.V. Lee Badgett, Letitia Anne Peplau, and any other deposition that has yet to take place once the final transcript of those depositions is available to them.

	147:25-148:9; 151:16-152:24
Segura	5:3-5:5; 32:1-34:3; 36:9-37:10; 38:23-40:22; 102:2-102:14; 115:7-115:12; 116:16-116:23; 125:7-126:21; 130:25-137:10; 141:14-142:11; 142:17-143:19; 172:14-176:18; 178:11-181:6; 186:13-191:4; 194:22-195:24; 206:19-207:12; 235:22-236:22; 270:12-272:14; 272:16-273:16
Stier	6:4-6:6; 12:23-13:1; 18:14-19:2; 19:13-20:8; 20:19-20:25; 21:25-22:22; 23:2-24:11; 24:20-27:4; 27:16-28:17; 29:11-29:22; 33:2-33:17; 34:18-35:1; 35:13-36:21; 37:12-37:15; 37:21-38:6; 40:9-40:14; 42:2-42:11; 43:5-43:6; 45:3-46:19; 57:6-57:14; 61:10-61:18; 62:17-63:5; 68:10-69:18; 70:5-70:16; 71:24-73:18; 90:5-90:24; 94:18-96:6; 96:18-96:21; 98:24-99:12; 101:8-101:15; 121:3-121:10; 128:19-128:24; 129:15-130:1; 132:9-132:19; 143:1-143:11; 166:8-166:24; 169:7-169:22; 172:21-172:25; 175:11-175:24; 176:9-176:17; 179:8-179:25; 180:5-180:21; 186:21-188:2; 190:3-190:25; 192:11-192:18; 192:23-193:8; 193:13-193:25; 195:15-196:1; 196:23-197:7; 197:17-198:13; 198:24-199:7; 199:11-199:25; 200:24-202:8; 203:15-204:16

## II. Interrogatory Answers and Requests for Admission

1. Attorney General's Response to Plaintiffs' Request for Admission No. 42, September 23, 2009
2. Attorney General's Response to Plaintiffs' Request for Admission No. 48, September 23, 2009
3. Attorney General's Response to Plaintiffs' Request for Admission No. 50, September 23, 2009
4. Plaintiffs' Response to Defendant-Intervenors Proposition 8 Proponents' Interrogatory No. 16, September 16, 2009
5. Plaintiffs' Response to Defendant-Intervenors Proposition 8 Proponents' Request for Admission No. 22, September 16, 2009
6. Plaintiffs' Response to Defendant-Intervenors Proposition 8 Proponents' Request for Admission No. 50, September 16, 2009
7. Plaintiffs' Response to Defendant-Intervenors Proposition 8 Proponents' Request for Admission No. 134, September 16, 2009
8. The Administration Defendants' Response to Plaintiff-Intervenor City and County of San Francisco's Interrogatory No. 3, December 4, 2009

Dated: December 7, 2009

COOPER AND KIRK, PLLC  
ATTORNEYS FOR DEFENDANT-INTERVENORS  
DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,  
MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,  
MARK A. JANSSON, AND PROTECTMARRIAGE.COM –

YES ON 8, A PROJECT OF CALIFORNIA RENEWAL

By: /s/Charles J. Cooper  
Charles J. Cooper

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28