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

20 KRISTIN M. PERRY, *et al.*,
21 Plaintiffs,
and
22 CITY AND COUNTY OF SAN FRANCISCO,
23 Plaintiff-Intervenor,
v.
24 ARNOLD SCHWARZENEGGER, *et al.*,
25 Defendants,
and
26 PROPOSITION 8 OFFICIAL PROPONENTS
27 DENNIS HOLLINGSWORTH, *et al.*,
28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**DECLARATION OF ETHAN D. DETTMER
IN SUPPORT OF PLAINTIFFS' MOTION
TO COMPEL COMPLIANCE WITH
SUBPOENA BY FORMERLY "UNNAMED
EXECUTIVE COMMITTEE MEMBER"
DOUG SWARDSTROM**

1 I, Ethan D. Dettmer, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and in the Northern
3 District of California. I am an partner in the law firm of Gibson, Dunn & Crutcher LLP, counsel of
4 record for Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo in the
5 above-captioned matter. I make this declaration in support of Plaintiffs' Motion to Compel the
6 Deposition of ProtectMarriage.com Executive Committee member Doug Swardstrom. The
7 information below is stated on personal knowledge and if called as a witness, I could and would
8 testify competently thereto.

9 2. Attached hereto as Exhibit A is a true and correct copy of a letter sent by
10 ProtectMarriage.com to Jim Abbott revealing the identity of ProtectMarriage.com Executive
11 Committee Member Edward Dolejsi, dated October 22, 2008.

12 3. Attached hereto as Exhibit B is a true and correct copy of Defendant-Intervenors'
13 Response to Plaintiffs' Second Set of Interrogatories, dated November 9, 2009.

14 4. Attached hereto as Exhibit C is a true and correct copy of an email from Kaylan
15 Phillips, counsel for Doug Swardstrom, to Ethan D. Dettmer, dated December 29, 2009.

16 5. Attached hereto as Exhibit D is a true and correct copy of a letter from Nicole Jo Moss
17 to Matthew McGill and Ethan Dettmer, dated December 15, 2009.

18 6. Attached hereto as Exhibit E is a true and correct copy of an email message from
19 Andrew Pugno to the Editorial Board of *The Wall Street Journal*, attaching a letter to the editor
20 signed by, *inter alia*, Doug Swardstrom as a member of the Executive Committee of
21 ProtectMarriage.com.

22 7. Attached hereto as Exhibit F is a true and correct copy of the Subpoena to Testify at a
23 Deposition or to Produce Documents in a Civil Action, directed to the Unnamed "Yes on 8" Ad Hoc
24 Committee Member, c/o James Bopp, Jr., dated October 26, 2009.

25 8. Attached hereto as Exhibit G is a true and correct copy of an email from Kaylan
26 Phillips to Ethan D. Dettmer, dated October 27, 2009.

27 9. Attached hereto as Exhibit H is a true and correct copy of a letter from James Bopp,
28 Jr. to Ethan D. Dettmer, dated November 9, 2009.

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.

/s/ Theodore Boutrous, Jr.
Theodore Boutrous, Jr.

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