

Exhibit B

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 17 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A
 PROJECT OF CALIFORNIA RENEWAL

18 * Admitted *pro hac vice*

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

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

23 Plaintiffs,

24 CITY AND COUNTY OF SAN FRANCISCO,

25 Plaintiff-Intervenor,

26 v.

27 ARNOLD SCHWARZENEGGER, in his official
 28 capacity as Governor of California; EDMUND G.

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS’
 RESPONSE TO PLAINTIFFS’
 SECOND SET OF
 INTERROGATORIES**

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

13
14 Defendants,

15 and

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

23
24 Defendant-Intervenors.
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40 * Admitted *pro hac vice*

1 Defendant-Intervenors (the “Proponents”), pursuant to Rules 26 and 33 of the Federal
2 Rules of Civil Procedure, file these responses to Plaintiffs’ Second Set of Interrogatories.
3 Proponents generally reserve the right to supplement and/or amend these responses to the extent
4 required and/or allowed by the Federal Rules of Civil Procedure. In particular Proponents reserve
5 the right to supplement and/or amend these responses as necessitated by ongoing legal and factual
6 development, discovery and/or judicial rulings in this case.

7 **RESPONSES**

8 **INTERROGATORY NO. 4:**

9 Identify each individual likely to have discoverable information that you may use to
10 support you claims or defenses in this action, along with the subjects of that information.

11 **RESPONSE:**

12 Proponents specifically reserve the right to supplement and/or amend this Response as
13 necessitated by ongoing legal and factual development, discovery, and/or judicial rulings in this
14 case. Subject to that reservation, Proponents identify the following individuals as likely to have
15 discoverable information that they may use to support their claims or defenses in this action:

- 16 • Experts and rebuttal experts. Both Proponents’ and Plaintiffs’ experts and rebuttal experts
17 are likely to have discoverable information that Proponents may use to support their claims
18 or defenses in this action. The identity of these experts, along with the subjects of the
19 discoverable information they are likely to possess, is set forth in the reports and rebuttal
20 reports they have submitted in this action.
- 21 • Organizations upon which Proponents have served subpoenas. Proponents have issued
22 subpoenas to a number of organizations that opposed Proposition 8. These subpoenas
23 generally seek information related to the subject of the intent of the voters with respect to
24 Proposition 8. Proponents have taken the position that much, if not all, of this information
25 is irrelevant and/or privileged, and thus non-discoverable; nevertheless, should they fail to
26 obtain a judicial ruling consistent with those positions they may use information obtained
27 from the organizations they have subpoenaed to support their claims or defenses at trial.
28 Proponents refer Plaintiffs to the subpoenas they have issued for the identity of these

1 organizations.

- 2
- 3 • Attorney General Brown. Attorney General Brown is likely to have information related to
4 the intent of the voters with respect to Proposition 8. Proponents have taken the position
5 that much, if not all, of this information is irrelevant and/or privileged, and thus non-
6 discoverable; nevertheless, should they fail to obtain a judicial ruling consistent with those
7 positions they may use information obtained from the Attorney General to support their
8 claims or defenses at trial.
 - 9 • City and County of San Francisco. The City and County of San Francisco is likely to have
10 information related to the intent of the voters with respect to Proposition 8. Proponents
11 have taken the position that much, if not all, of this information is irrelevant and/or
12 privileged, and thus non-discoverable; nevertheless, should they fail to obtain a judicial
13 ruling consistent with those positions they may use information obtained from San
14 Francisco to support their claims or defenses at trial.
15 San Francisco is also likely to have discoverable information related to the economic
16 impact of same-sex marriage and the same-sex and opposite-sex marriages it has licensed.
 - 17 • Plaintiffs. The individual plaintiffs in this action—Kristin M. Perry, Sandra B. Stier, Paul
18 T. Katami, and Jeffrey J. Zarrillo—likely have discoverable information on a number of
19 subjects that we may use to support our claims or defenses, including the history of
20 discrimination gays and lesbians have faced; whether sexual orientation can be changed;
21 whether a married mother and father provide the optimal child-rearing environment and
22 whether excluding same-sex couples from marriage promotes this environment; whether
23 the availability of opposite-sex marriage is a meaningful option for gays and lesbians; and
24 the difference in actual practice of registered domestic partnerships, civil unions and
25 marriage, including whether married couples are generally treated differently than
26 domestic partners in governmental and non-governmental contexts.
 - 27 • California agencies and officials upon which Proponents have served subpoenas.
28 Proponents have issued subpoenas to the California Secretary of State and the Office of
Vital Records in the California Department of Health. The former is the custodian of

1 records related to domestic partnerships; the latter of records related to marriages and
2 births. These records constitute discoverable information that we may use to support our
3 claims or defenses at trial. Proponents refer Plaintiffs to these subpoenas for additional
4 information.

- 5 • The Williams Institute, UCLA School of Law, Box 951476, Los Angeles, CA, 90095,
6 (310) 267-4382. The Williams Institute is a think tank that studies issues related to sexual
7 orientation and same-sex marriage. It is likely to have discoverable information related to
8 those issues that we may use to support our claims or defenses at trial, including
9 information related to the potential economic impact of same-sex marriage and the
10 characteristics of same-sex couples.
- 11 • Proponents also generally note that they may use at trial to support their claims or defenses
12 any individuals identified by Plaintiffs as possessing discoverable information.

13 **INTERROGATORY NO. 5:**

14 Identify each individual whom you plan to call as a witness at trial in this action.

15 **RESPONSE:**

16 Proponents object to this Request to the extent it purports to impose obligations beyond
17 those set forth in the orders of the Court pertaining to the timing of the disclosure of the identity of
18 witnesses. *See* Doc # 164 at 2. Subject to and without waiving this objection, Proponents note
19 that they will, consistent with the orders of the Court, produce at the appropriate time the identity
20 of each individual they plan to call as a witness at trial in this action.

21 **INTERROGATORY NO. 6:**

22 Identify each person who was a member of the ProtectMarriage.com executive committee
23 on or before November 4, 2008.

24 **RESPONSE:**

25 Proponents object to this Request as calling for information privileged from disclosure
26 under the First Amendment. As Proponents have explained, *see, e.g.*, Hr'g of November 2, 2009,
27 Tr., the identity of members of the ProtectMarriage.com executive committee whose names have
28 never been disclosed publicly is privileged from disclosure under the First Amendment.

1 Without waiving this objection, Proponents state that the ProtectMarriage.com ad hoc
2 executive committee, established in connection with the Proposition 8 campaign, had four
3 members from November 27, 2007, when the official Proposition 8 campaign committee was
4 formed, through November 4, 2008. The identity of two of those individuals has been publicly
5 disclosed, and Proponents have already provided that information to Plaintiffs. Nevertheless,
6 Proponents will identify them again here:

- 7 • Ron Prentice
2900 Adams Street, Suite C25
8 Riverside, CA 92504
- 9 • Mark Jansson
9110 Union Park Way
10 Suite 118
11 Elk Grove, CA 95624

12 It was recently brought to our attention that a third member of the ad hoc executive
13 committee's identity is also publicly known. His information is as follows:

- 14 • Edward Dolejsi
15 California Catholic Conference
1119 K Street
16 Sacramento, CA 95814

17 Producing the identity of the member whose name has not been disclosed publicly is
18 objectionable on First Amendment Grounds. Proponents have already provided Plaintiffs with the
19 names of counsel for that member:

- 20 • Doe No. 1
21 Represented by James Bopp, Jr.
BOPP, COLESON & BOSTROM
22 1 South 6th Street
Terre Haute, IN 47807
23 (812) 232-2434

1 Dated: November 9, 2009

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Ron Prentice for Defendant-Intervenors

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10 YES ON 8, A PROJECT OF CALIFORNIA RENEWAL

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