

Exhibit K

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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KRISTIN M. PERRY, et al.,

Plaintiffs,

vs.

Case No. 09-CV-2292 VRW

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

_____ /

Deposition of

RONALD PRENTICE

Volume I

Thursday, December 17, 2009

REPORTED BY: LESLIE CASTRO, CSR #8876

BONNIE L. WAGNER & ASSOCIATES
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10:01:57 1 compensation; is that correct?
 10:01:58 2 A. Correct. I believe that I operate as its
 10:02:02 3 executive director without compensation.
 10:02:06 4 Q. And what are your responsibilities as
 10:02:14 5 executive director for California Renewal?
 10:02:19 6 A. Prior to -- there has been no activity by
 10:02:27 7 California Renewal leading up to the
 10:02:36 8 ProtectMarriage.com-Yes on 8 campaign.
 10:02:41 9 Q. I'm not sure I understand what you just said
 10:02:43 10 so let me try to ask. You say there's been no activity
 10:02:49 11 by California Renewal leading up to the Yes on 8
 10:02:55 12 campaign. I'm trying to understand the connection
 10:03:00 13 between California Renewal and ProtectMarriage.
 10:03:04 14 Is there one?
 10:03:06 15 A. When you say "ProtectMarriage," are you
 10:03:08 16 referring to the ProtectMarriage.com-Yes on 8 campaign?
 10:03:13 17 Q. Yes.
 10:03:14 18 A. The sponsoring entity was the (c)(4)
 10:03:17 19 California Renewal.
 10:03:19 20 Q. The sponsoring entity of the initiative
 10:03:24 21 measure?
 10:03:24 22 A. Yes, of ProtectMarriage.com-Yes on 8 campaign
 10:03:30 23 committee.
 10:03:40 24 Q. So just to be clear: California Renewal was
 10:03:43 25 the sponsor of --

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10:03:44 1 (Mr. Pugno enters the room.)
 10:03:47 2 MS. STEWART: Q -- the entity, the Yes on 8
 10:03:51 3 ProtectMarriage entity or are you saying it was the
 10:03:54 4 sponsor of the initiative itself, the ballot measure.
 10:03:59 5 A. To the best of my knowledge, the way that I
 10:04:01 6 would frame it would be that the initiative was put
 10:04:20 7 forth by the campaign committee called
 10:04:24 8 ProtectMarriage.com-Yes on 8.
 10:04:32 9 Q. Okay.
 10:04:32 10 So ProtectMarriage.com-Yes on 8 actually was
 10:04:36 11 the official proponent or an official proponent of
 10:04:41 12 Proposition 8; is that correct?
 10:04:44 13 MS. MOSS: Object to the extent it calls for a
 10:04:46 14 legal conclusion.
 10:04:48 15 MS. STEWART: I'm asking for his understanding
 10:04:49 16 counsel.
 10:04:52 17 THE WITNESS: I believe that there was a campaign
 10:04:56 18 committee formed and there were individual proponents.
 10:05:01 19 MS. STEWART: Q But just from a lay person's
 10:05:03 20 understanding, how was ProtectMarriage.com, the entity,
 10:05:07 21 involved in that process?
 10:05:13 22 A. ProtectMarriage.com-Yes on 8, to the best of
 10:05:15 23 my understanding, is primarily formed ballot measure
 10:05:18 24 committee.
 10:05:19 25 Q. And who formed that ballot measure committee?

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10:05:23 1 A. It was created by an ad hoc executive
 10:05:26 2 committee.
 10:05:27 3 Q. And earlier you said something about
 10:05:32 4 California Renewal being the sponsoring -- I can't
 10:05:37 5 remember the language you used -- but member or
 10:05:39 6 sponsoring -- in some way sponsoring. And I was unclear
 10:05:48 7 whether you were saying they sponsored the formation of
 10:05:52 8 ProtectMarriage.com or something else.
 10:05:55 9 Can you explain?
 10:05:57 10 A. Well, I'm not sure that I can explain it much
 10:05:59 11 better than I have because of my lack of legal
 10:06:02 12 intellect. And it would have to do with that there is a
 10:06:13 13 board of directors, too.
 10:06:18 14 California Renewal who gave authority to an ad
 10:06:24 15 hoc executive committee to move forward with a
 10:06:28 16 primarily-formed ballot measure called
 10:06:34 17 ProtectMarriage.com-Yes on 8.
 10:06:40 18 Q. I would say that's not an intellect issue, I
 10:06:45 19 think it was very clear.
 10:06:46 20 A. Thank-you. Let's just hope it's accurate.
 10:06:50 21 MS. MOSS: Can we take a bathroom break?
 10:06:54 22 THE VIDEOGRAPHER: Off record at 10:08.
 10:09:30 23 (Brief break.)
 10:09:30 24 (Ms. Piepmeier is not present.)
 10:14:51 25 THE VIDEOGRAPHER: Back on the record at 10:14.

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10:15:01 1 MS. STEWART: Q Mr. Prentice, when you were
 10:15:03 2 employed by Focus on the Family, what was the
 10:15:06 3 approximate annual budget of that organization?
 10:15:11 4 A. Approximately -- well, it varied within those
 10:15:13 5 ten years. Anywhere from 125 million to 145 million.
 10:15:35 6 Q. Earlier you mentioned that the board of
 10:15:36 7 directors of California Renewal gave authority to an ad
 10:15:39 8 hoc committee to move forward to create
 10:15:42 9 ProtectMarriage.com or what became ProtectMarriage.com.
 10:15:49 10 A. Became the ballot measure committee.
 10:15:56 11 Q. What did -- well, first of all, who was on the
 10:16:01 12 ad hoc committee?
 10:16:04 13 A. Of?
 10:16:05 14 Q. You said the board of directors of California
 10:16:08 15 Renewal gave authority to an ad hoc committee. And I
 10:16:11 16 was wondering who was on that committee.
 10:16:15 17 MS. MOSS: And in responding to that, I'm going to
 10:16:17 18 instruct you to the extent that there's a member of that
 10:16:20 19 committee who has asked us to keep his identity
 10:16:23 20 confidential while he pursues his claim of privilege, I
 10:16:27 21 would instruct you not to reveal that identity.
 10:16:29 22 Otherwise, you can respond.
 10:16:30 23 MS. STEWART: Q And are you going to follow your
 10:16:32 24 counsel's instruction?
 10:16:35 25 A. Yes.

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10:16:35 1 MS. STEWART: Just before you respond, I want to
 10:16:37 2 see if we can make a stipulation for the record going
 10:16:40 3 forward that I don't have to repeatedly ask the witness
 10:16:45 4 if he is going to follow your instruction.
 10:16:48 5 MS. MOSS: That is fine.
 10:16:49 6 MS. STEWART: I'm going to pretty much assume it
 10:16:51 7 unless there's something in the way he answers it
 10:16:52 8 that --
 10:16:54 9 MS. MOSS: Sure.
 10:16:55 10 MS. STEWART: -- that assumes otherwise.
 10:16:58 11 Q. So going back to the question with your
 10:17:03 12 counsel's instruction, who was on the ad hoc committee
 10:17:04 13 that the board of directors of California Renewal gave
 10:17:07 14 authority to form a ballot committee?
 10:17:11 15 A. There was myself. There was Ned Dolejsi.
 10:17:13 16 There was Mark Jansson. And there's the anonymous
 10:17:18 17 person.
 10:17:19 18 Q. What was the last name?
 10:17:20 19 A. I said anonymous.
 10:17:23 20 Q. Yourself, Ned Dolejsi, Mr. Jansson?
 10:17:27 21 A. Yes.
 10:17:29 22 Q. And then an anonymous person?
 10:17:33 23 A. A person who chooses to remain confidential.
 10:17:40 24 Q. Did you form an entity that is -- did that ad
 10:17:46 25 hoc committee then form an entity?

10:19:38 1 (Whereupon, Exhibit No. 1 was
 10:19:54 2 Marked for identification.)
 10:20:06 3 MS. STEWART: Q A document that at the top says
 10:20:08 4 "Protect Marriage." And I'm going to ask you to take a
 10:20:15 5 look at it and tell me if you recognize it.
 10:20:37 6 (Pause in the proceedings.)
 10:20:38 7 THE WITNESS: I would say I can only go so far as
 10:20:42 8 to say I'm familiar with its general content. I don't
 10:20:45 9 know if it's in any way been altered, but yes.
 10:20:48 10 MS. STEWART: Q And on the left, it has, sort of,
 10:20:52 11 a gray box that says "ProtectMarriage.com" and has some
 10:20:57 12 little people.
 10:20:59 13 Do you see that?
 10:20:59 14 A. Yes.
 10:21:00 15 Q. Is that the logo of ProtectMarriage.com or a
 10:21:07 16 logo?
 10:21:08 17 (Ms. Piepmeier enters the room.)
 10:21:16 18 THE WITNESS: I wouldn't say that it's a formal
 10:21:19 19 logo, no.
 10:21:21 20 MS. STEWART: Q Has ProtectMarriage.com --
 10:21:26 21 A. Thank-you.
 10:21:26 22 Q. -- does it have a logo that it has adopted?
 10:21:39 23 A. There was a logo that was used during the
 10:21:42 24 campaign. So when you refer to ProtectMarriage.com, it
 10:21:48 25 does not have a formal logo.

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10:17:48 1 A. Yes.
 10:17:48 2 Q. And what is that entity?
 10:17:51 3 A. The primarily formed ballot measure committee
 10:17:55 4 of ProtectMarriage.com-Yes on 8.
 10:17:58 5 Q. And what is the form of that entity, if you
 10:18:01 6 know?
 10:18:02 7 A. When you say "form" --
 10:18:04 8 Q. I mean the legal organization.
 10:18:06 9 A. Again, I would -- the best I can do is a
 10:18:09 10 ballot measure committee.
 10:18:19 11 Q. Is -- what is the title of that ballot measure
 10:18:28 12 committee?
 10:18:31 13 A. ProtectMarriage.com-Yes on 8.
 10:18:33 14 Q. Is ProtectMarriage.com used in any sense
 10:18:39 15 that's broader than that ballot measure committee?
 10:18:47 16 A. As you know, there are now -- there is now a
 10:18:56 17 (c)(3) and (c)(4), ProtectMarriage.com Education
 10:19:01 18 Foundation and ProtectMarriage.com Action Fund.
 10:19:04 19 Q. Do you sometimes use ProtectMarriage.com to
 10:19:06 20 describe a coalition of entities?
 10:19:16 21 A. I think that there are a number of entities
 10:19:19 22 that would say that they align with the general purposes
 10:19:32 23 of ProtectMarriage.com.
 10:19:36 24 MS. STEWART: I'm going to have marked as
 10:19:38 25 Exhibit 1.

10:21:52 1 Q. Was there a logo that it used on its website?
 10:22:04 2 MS. MOSS: Just by point of clarification,
 10:22:05 3 objection. When you're referring to
 10:22:09 4 ProtectMarriage.com, are you referring to -- I guess
 10:22:12 5 what specifically are you referring to? Is it a
 10:22:16 6 shorthand for Yes on 8 or --
 10:22:19 7 MS. STEWART: You're getting to my other line of
 10:22:21 8 questioning, which I diverted from. So let me go back
 10:22:24 9 to that and then we'll go back to the logo.
 10:22:27 10 As I mentioned earlier, sometimes it's not a linear
 10:22:31 11 process, this deposition business.
 10:22:33 12 Q. Do you see the first paragraph of this
 10:22:35 13 document where it says "ProtectMarriage.com is a growing
 10:22:38 14 broad-based coalition of organizations, churches and
 10:22:42 15 individuals who believe that marriage's foremost purpose
 10:22:47 16 is raising of healthy children in a family with a mom
 10:22:50 17 and a dad"?
 10:22:51 18 A. Yes.
 10:22:52 19 Q. Is that language that was on
 10:22:54 20 ProtectMarriage.com's website at some point in time?
 10:23:00 21 A. Apparently, this was printed off of its
 10:23:02 22 website, and so I would imagine so.
 10:23:05 23 Q. And is it accurate that the title
 10:23:08 24 "ProtectMarriage.com" was used to refer to a broad-based
 10:23:13 25 coalition of organizations and people?

<p style="text-align: right;">Page 270</p> <p>1 DEPOSITION OFFICER'S CERTIFICATE</p> <p>2</p> <p>3 STATE OF CALIFORNIA)</p> <p>4) Ss.</p> <p>5 COUNTY OF CONTRA COSTA)</p> <p>6</p> <p>7 I LESLIE CASTRO, CSR, hereby certify:</p> <p>8 I am a duly qualified Shorthand Reporter in</p> <p>9 the State of California, holder of Certificate Number</p> <p>10 8876 issued by the Court Reporter's Board of California</p> <p>11 and which is in full force and effect. (Fed R. Civ. P.</p> <p>12 28(a)).</p> <p>13 I am authorized to administer oaths of</p> <p>14 affirmations pursuant to California Code of Civil</p> <p>15 Procedure, Section 2093(b), and prior to being examined,</p> <p>16 the deponent was first duly sworn by me. (Fed. R. Civ.</p> <p>17 P. 28(a), 30(f) (1)).</p> <p>18 I am not a relative or employee or attorney or</p> <p>19 counsel of any of the parties, nor am I a relative or</p> <p>20 employee of such attorney or counsel, nor am I</p> <p>21 financially interested in this action. (Fed. R. Civ. P.</p> <p>22 28).</p> <p>23 I am the deposition officer that</p> <p>24 stenographically recorded the testimony in the foregoing</p> <p>25 deposition and the foregoing transcript is a true record</p>	<p style="text-align: right;">Page 272</p> <p>1 ERRATA SHEET</p> <p>2</p> <p>3 PAGE LINE CHANGE</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 -</p> <p>21 I, RONALD PRENTICE, have made the following changes</p> <p>22 to my deposition taken in the matter of PERRY, ET AL.</p> <p>23 vs. SCHWARZENEGGER, ET AL. taken on DECEMBER 17, 2009.</p> <p>24 DATE: _____</p> <p style="text-align: center;">RONALD PRENTICE</p> <p>25</p>
<p style="text-align: right;">Page 271</p> <p>1 of the testimony given by the deponent. (Fed. R. Civ.</p> <p>2 P. 30(f) (1)).</p> <p>3 Before completion of the deposition, review of</p> <p>4 the transcript [] was [X] was not requested. If</p> <p>5 requested, any changes made by the deponent (and</p> <p>6 provided to the reporter) during the period allowed, are</p> <p>7 appended hereto. (Fed. R. Civ. P. 30(a)).</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Dated: 28th of December, 2009.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 LESLIE CASTRO, CSR</p> <p>18 State of California</p> <p>19 CSR License No. 8876</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 273</p> <p>1 CERTIFICATION OF WITNESS</p> <p>2</p> <p>3</p> <p>4 I, RONALD PRENTICE, hereby declare that I have read</p> <p>5 the foregoing testimony, and the same is true and a</p> <p>6 correct transcription of my said testimony except as I</p> <p>7 have corrected.</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p style="text-align: center;">Signature</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____</p> <p style="text-align: center;">Date</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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January 4, 2010
Ronald Prentice
c/o Nicole J. Moss, Esq.
Cooper & Kirk
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Re: Perry, et al. vs.
Schwarzenegger, et al.

Dear Mr. Prentice:
You are hereby notified that pursuant to the California
Code of Civil Procedure Section 2019(E), your deposition
is available for your review within 35 days from the
date of this letter.

If you are represented by an attorney in this matter
contact your attorney before contacting this office.
Do not ask that we send you the original deposition.
State law does not allow us to do so.

Yours very truly,

Leslie Castro, CSR
Bonnie L. Wagner & Associates

CC: Original Transcript
All Counsel