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 17 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

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 REBECCA JUSTICE  
 LAZARUS IN SUPPORT OF PLAINTIFFS'  
 OPPOSITION TO PROPONENTS' MOTION  
 TO AMEND JANUARY 8, 2010  
 DISCOVERY ORDER**

Trial Date: January 11, 2010  
 Judge: Chief Judge Walker  
 Location: Courtroom 6, 17th Floor

1 I, Rebecca Justice Lazarus, declare as follows:

2 1. I, Rebecca Justice Lazarus, am an attorney at law, duly licensed to practice before all  
3 courts of the State of California and before the United States District Court for the Northern District  
4 of California. I am an associate with Gibson, Dunn & Crutcher LLP, counsel of record for Plaintiffs  
5 in the above-captioned matters. I have personal knowledge of the facts stated herein and could and  
6 would testify competently thereto if called upon to do so.

7  
8 2. Attached hereto as **Exhibit A** is a true and correct copy of a letter sent on October 5,  
9 2009 from Plaintiffs' counsel, Ethan Dettmer, to Proponents' counsel, Nicole Jo Moss, containing a  
10 revised request for production number 8.

11 3. On January 10, 2010, at approximately 12:00 p.m., Proponents produced 1,489 pages  
12 of documents to Plaintiffs.

13  
14 4. On January 13, 2010, at approximately 8:49 p.m., Proponents produced 5,007 pages of  
15 documents on behalf of counsel for Defendant-Intervenor Hak-Shing William Tam.

16 5. On January 14, 2010, Proponents produced 5,741 pages of documents in three separate  
17 productions, beginning shortly after 5:00 p.m. and ending shortly after 8:00 p.m.

18 6. On January 15, 2010, at approximately 4:55 p.m., Proponents produced 1,255 pages of  
19 documents.

20  
21 7. On January 17, 2010, at approximately 11:07 a.m., Jesse Panuccio, counsel for  
22 Proponents, notified counsel for Plaintiffs that Proponents intended to file a motion to amend the  
23 Court's January 8, 2010 discovery order and a third declaration of Ronald Prentice as soon as the  
24 ECF system became available. A true and correct copy of that email message is attached hereto as  
25 **Exhibit B**.

26 8. On January 17, 2010, at approximately 11:08 a.m., Jesse Panuccio, counsel for  
27 Proponents, notified counsel for Plaintiffs that Proponents' production was "complete," but was  
28

1 “subject to” Proponents’ Motion to Amend. A true and correct copy of that email message is  
2 attached hereto as **Exhibit C**.

3 9. On January 16, 2010, beginning at approximately 11:22 p.m. and continuing over the  
4 next twelve hours, counsel for Proponents notified counsel for Plaintiffs that it had produced over  
5 9,000 pages of documents on behalf of themselves and Dr. Tam.  
6

7 10. On January 17, 2010, at approximately 1:52 p.m., in response to my inquiry as to  
8 whether Proponents were withholding documents on the basis set forth in their motion, counsel for  
9 Proponents responded that Proponents had withheld ninety-seven (97) documents from the  
10 production on the grounds set forth in Proponents’ Motion to Amend. A true and correct copy of that  
11 email message is attached hereto as **Exhibit D**.

12 11. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the  
13 deposition of Ronald Prentice, taken on December 17, 2009.  
14

15 12. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the deposition  
16 of Edward Dolejsi, taken on December 16, 2009.

17 13. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the  
18 deposition of Jeffrey Flint, taken on December 18, 2009.

19 14. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the  
20 deposition of Ronald Prentice, taken on December 18, 2009.  
21

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th  
23 day of January, 2010.

24 By: \_\_\_\_\_ /s/\_\_\_\_\_  
25 Rebecca Justice Lazarus  
26  
27  
28

**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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# **Exhibit A**

# GIBSON, DUNN & CRUTCHER LLP

LAWYERS

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS

555 Mission Street, Suite 3000 San Francisco, California 94105-2933

(415) 393-8200

www.gibsondunn.com

EDettmer@gibsondunn.com

October 5, 2009

Direct Dial  
(415) 393-8292

Fax No.  
(415) 374-8444

Client No.  
T 36330-00001

*VIA ELECTRONIC MAIL*

Nicole Jo Moss, Esq.  
Cooper & Kirk, PLLC  
1523 New Hampshire Ave., N.W.  
Washington, D.C. 20036

Re: *Perry, et al. v. Schwarzenegger, et al.,*  
*N.D. Cal. No. C-09-2292 VRW*

Dear Nicole:

Pursuant to the Court's Order of October 1, 2009 (see Dkt. #214 at pp. 16-17), I have set forth below Plaintiffs' revised request for production number 8. I am generally available this week to discuss with you any objections and the scope of your production in response to this revised request. As I mentioned on our phone call last week, I would like to follow up with you regarding Defendant-Intervenors' supplemental production in light of the Court's October 1 Order. Please let me know at your earliest convenience when you can discuss these matters.

Revised Request No. 8

The following request is limited to those who (1) had any role in managing or directing ProtectMarriage.com or the Yes on 8 campaign, or (2) provided advice, counseling, information, or services with respect to efforts to encourage persons to vote for Prop. 8 or otherwise to educate persons about Prop. 8, including its meaning, intent, effects if enacted, or effects if rejected; including communications among and between any two or more of the following persons or entities: Defendant-Intervenors, members of the Ad Hoc Committee described at the September 25, 2009 hearing in this matter, Frank Schubert, Jeff Flint, Sonia Eddings Brown, Andrew Pugno, Chip White, Ron Prentice, Cheri Spriggs Hernandez, Rick Ahern, Laura Saucedo Cunningham, Schubert Flint Public Affairs, Lawrence Research, Bader & Associates, Bieber Communications, Candidates Outdoor Graphic Service Inc., Cardinal Communication

GIBSON, DUNN & CRUTCHER LLP

Nicole Jo Moss, Esq.

October 5, 2009

Page 2

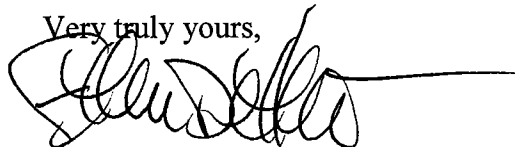
Strategies, Church Communication Network Inc., The Monaco Group, Connell Donatelli, Message Impact Consulting, K Street Communications, Marketing Communications Services, Sterling Corp., and JRM Enterprises.

Please produce all versions of any documents within your possession, custody or control that constitute analyses of, or communications related to, one or both of the following topics: (1) campaign strategy in connection with Prop. 8; and (2) messages to be conveyed to voters regarding Prop. 8, without regard to whether the voters or voter groups were viewed as likely supporters or opponents or undecided about Prop. 8 and without regard to whether the messages were actually disseminated or merely contemplated.

\* \* \* \* \*

I look forward to talking with you soon.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ethan D. Dettmer', with a long horizontal line extending to the right.

Ethan D. Dettmer

cc: All Counsel

100740108\_1.DOC

# **Exhibit B**



**Justice Lazarus, Rebecca**

---

**From:** Jesse Panuccio [jpanuccio@cooperkirk.com]  
**Sent:** Sunday, January 17, 2010 11:07 AM  
**To:** Bailey, Landon; Bernstein, Erin; Bettan, Richard; Boutrous Jr., Theodore J.; Burns, Gordon; Campbell, J; Chhabria, Vince; Chou, Danny; Chuck Cooper; Daly, Catheryn; Dettmer, Ethan D.; Dusseault, Christopher D.; Flynn, Ronald; Goldman, Jeremy; Gosling, Kelcie M.; Janky, Mary; Justice Lazarus, Rebecca; Kapur, Theane Evangelis; Knight, A; Kolm, Claude; Lee, Mollie; Malzahn, Scott; Martinez, Judith; Martinez, Manuel; McGill, Matthew D.; Mennemeier, Kenneth C.; Monagas, Enrique A.; Nicole Moss; Howard Nielson; Olson, Theodore B.; Pachter, Tamar; Pete Patterson; Piepmeier, Sarah E.; Raum, Brian; Richardson, Beko; Schiller, Josh; Stewart, Therese; Stroud, Andy; Tayrani, Amir C.; David Thompson; Uno, Theodore; Van Aken, Christine; Washington, Brian; Whitehurst, Judy; Matsumura, Kaiponanea T; Moon, Gina  
**Subject:** Perry v. Schwarzenegger, No. 09-2292  
**Attachments:** 1-17-10 Mot. to Amend Jan. 8 Order FINAL.pdf; 1-17-10 REDACTED Prentice Decl. in Support of Mot. to Amend FINAL.pdf; 1-17-10 Mot. to Seal FINAL.pdf; 1-17-10 Mot. to Seal -- Decl. in Support FINAL.pdf; 1-17-10 Mot to Seal -- Proposed Order FINAL.pdf

Dear Counsel:

Attached to this email, please find copies of papers that Defendant-Intervenors plan to file with the Court as soon as some means of doing so become available. The papers cannot be filed this morning because the Court's ECF and email systems have been shut down and the Court has no accessible drop box for manual filings on weekends or weeknights.

Regards,

Jesse

-----  
Jesse Panuccio  
Cooper & Kirk, PLLC  
1523 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
Phone: (202) 220-9600  
Fax: (202) 220-9601  
[www.cooperkirk.com](http://www.cooperkirk.com)

# **Exhibit C**

**Justice Lazarus, Rebecca**

---

**From:** Jesse Panuccio [jpanuccio@cooperkirk.com]  
**Sent:** Sunday, January 17, 2010 11:08 AM  
**To:** Dettmer, Ethan D.; Justice Lazarus, Rebecca; Piepmeier, Sarah E.  
**Cc:** Nicole Moss  
**Subject:** Final production available

Dear Ethan, Rebecca, and Sarah:

Subject to the Motion to Amend the January 8 Order that I just forwarded to all counsel, the 10th and final DEFINT production (DEFINT\_PM010) is complete and available on the Proposition FTP site.

Also, the final TAM productions (TAM\_PM003; TAM\_PM004) are complete and available on the FTP Site.

FTP Site information:

**Address:** [REDACTED]

**Username:** [REDACTED]

**Password:** [REDACTED]

Regards,

Jesse

-----  
Jesse Panuccio  
Cooper & Kirk, PLLC  
1523 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
Phone: (202) 220-9600  
Fax: (202) 220-9601  
[www.cooperkirk.com](http://www.cooperkirk.com)

# **Exhibit D**

**Justice Lazarus, Rebecca**

---

**From:** Jesse Panuccio [jpanuccio@cooperkirk.com]  
**Sent:** Sunday, January 17, 2010 1:52 PM  
**To:** Justice Lazarus, Rebecca; Nicole Moss  
**Cc:** McGill, Matthew D.; Dettmer, Ethan D.; Piepmeier, Sarah E.; Nicole Moss; andrew@pugnolaw.com  
**Subject:** RE: Perry v. Schwarzenegger, No. 09-2292

Rebecca,

Ninety-seven documents are subject to the grounds laid out in the motion and have been withheld.

Thank you,

Jesse

---

**From:** Justice Lazarus, Rebecca [mailto:RJJustice@gibsondunn.com]  
**Sent:** Sunday, January 17, 2010 2:43 PM  
**To:** Jesse Panuccio; Nicole Moss  
**Cc:** McGill, Matthew D.; Dettmer, Ethan D.; Piepmeier, Sarah E.  
**Subject:** RE: Perry v. Schwarzenegger, No. 09-2292

In connection with the papers you attach, please confirm if you are withholding documents on the grounds laid out in your motion and if so, how many documents you are withholding on that basis.

Rebecca Justice Lazarus  
**GIBSON, DUNN & CRUTCHER LLP**  
555 Mission Street, Suite 3000  
San Francisco, CA 94105  
Tel 415.393.8296 | Fax 415.374.8427  
[www.gibsondunn.com](http://www.gibsondunn.com)

---

**From:** Jesse Panuccio [mailto:jpanuccio@cooperkirk.com]  
**Sent:** Sunday, January 17, 2010 11:07 AM  
**To:** Bailey, Landon; Bernstein, Erin; Bettan, Richard; Boutrous Jr., Theodore J.; Burns, Gordon; Campbell, J; Chhabria, Vince; Chou, Danny; Chuck Cooper; Daly, Catheryn; Dettmer, Ethan D.; Dusseault, Christopher D.; Flynn, Ronald; Goldman, Jeremy; Gosling, Kelcie M.; Janky, Mary; Justice Lazarus, Rebecca; Kapur, Theane Evangelis; Knight, A; Kolm, Claude; Lee, Mollie; Malzahn, Scott; Martinez, Judith; Martinez, Manuel; McGill, Matthew D.; Mennemeier, Kenneth C.; Monagas, Enrique A.; Nicole Moss; Howard Nielson; Olson, Theodore B.; Pachter, Tamar; Pete Patterson; Piepmeier, Sarah E.; Raum, Brian; Richardson, Beko; Schiller, Josh; Stewart, Therese; Stroud, Andy; Tayrani, Amir C.; David Thompson; Uno, Theodore; Van Aken, Christine; Washington, Brian; Whitehurst, Judy; Matsumura, Kaiponanea T; Moon, Gina  
**Subject:** Perry v. Schwarzenegger, No. 09-2292

Dear Counsel:

Attached to this email, please find copies of papers that Defendant-Intervenors plan to file with the Court as soon as some means of doing so become available. The papers cannot be filed this morning because the Court's ECF and email systems have been shut down and the Court has no accessible drop box for manual filings on weekends or weeknights.

Regards,

Jesse

-----  
Jesse Panuccio  
Cooper & Kirk, PLLC  
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Washington, D.C. 20036  
Phone: (202) 220-9600  
Fax: (202) 220-9601  
[www.cooperkirk.com](http://www.cooperkirk.com)

=====  
This message may contain confidential and privileged information. If it has  
been sent to you in error, please reply to advise the sender of the error and  
then immediately delete this message.  
=====

# **Exhibit E**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

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  
Court Reporting Services  
41 Sutter Street, Suite 1605  
San Francisco, California 94104  
(415) 982-4849



Page 2			Page 4		
1	INDEX		1	EXHIBITS (continued)	
2			2	11 460 Recipient Committee Campaign	131
3	Deposition of RONALD PRENTICE		3	Statement, 2007	
4	Volume I, Thursday, December 17, 2009		4	12 ProtectMarriage.com: Vote Yes on	135
5			5	Prop 8 Rallies	
6	Page		6	13 ProtectMarriage.com "Marriage Amendment	168
7	EXAMINATION BY MS. STEWART	9	7	14 One-page "Protect Marriage Strategy"	182
8			8	15 "Yes on 8, Protect Marriage-Restoring	184
9			9	Marriage and Protecting California	
10			10	Children," 12/3/09	
11			11	16 ProtectMarriage.com-Resources	187
12			12	17 One-page "Instructions to Pastors"	189
13	Certified Questions:		13	18 "Restoring and Protecting Marriage:	198
14	Page	Line	14	Yes on Proposition 8"	
15			15	19 One-page "Why Proposition 8"	192
16			16	20 "Protect Marriage - Yes on 8	194
17			17	Testimonials"	
18			18	21 "The California Marriage Protection	195
19			19	Act"	
20			20	22 One-page "Yes on 8"	206
21			21	23 One-page "Yes on 8 Protect Marriage"	207
22			22	24 One-page Letter dated 8/12/08	210
23			23	From: Most Reverend Dominic M. Luong	
24			24	25 Press Release, "Prop 8 Campaign	215
25			25	Announces Official Catholic Effort"	
Page 3			Page 5		
1	EXHIBITS		1	EXHIBITS (continued)	
2			2	26 Double-sided Letter from Ron Prentice	216
3	Deposition of RONALD PRENTICE		3	27 One-page "ProtectMarriage.com Targets	217
4	Volume I, Thursday, December 17, 2009		4	the Youth Vote with Facts...."	
5	Exhibit No.	Page	5	28 One-page "Statement on Proposition 8	222
6	1 ProtectMarriage.com "About Us"	56	6	Passing by Ron Prentice...."	
7	Website article		7	29 Pastors Rapid Response Team Conference	227
8	2 ProtectMarriage.com Coalition	64	8	Call, 7/30/08	
9	Endorsements (partial) Website article		9	30 Two-page "Catholics	232
10	3 Two-page Initiative Measure to be	70	10	ProtectMarriage.com" Sheets	
11	Submitted Directly to the Voters		11	31 One-page Website Letter from	234
12	4 Two-page "Restoring Marriage and	101	12	Jim Garlow	
13	Protecting California Children"		13	32 Two-sided Letter dated 10/10/08	235
14	Website article Update as of		14	from Jim Garlow	
15	5 One-page "Pastors Rapid Response Team"	105	15	33 Four-page Case Study "Passing Prop 8	237
16	6 Return of Organization Exempt From	116	16	34 One-page Article "How 'Yes on Prop 8'	237
17	Income Tax, 2006		17	Campaign Took the Web by Storm"	
18	7 Return of Organization Exempt From	117	18	35 Two-page Letter with attachments	240
19	Income Tax, 2007		19	dated 10/20/08	
20	8 Return of Organization Exempt From	117	20	To: Mr. Abbott From: ProtectMarriage.com	
21	Income Tax, 2005		21	36 Two-sided Letter dated 11/3/08	245
22	9 Return of Organization Exempt From	118	22	From: Jim Garlow	
23	Income Tax, 2007		23		
24	10 Return of Organization Exempt From	119	24		
25	Income Tax, 2008		25		

Page 6		Page 8	
1	BE IT REMEMBERED THAT, pursuant to Notice, and on	08:55:06	1 P-R-O-C-E-E-D-I-N-G-S
2	Thursday, December 17, 2009, commencing at the hour of	08:55:25	2 THE VIDEOGRAPHER: Going on the record at 8:55 a.m
3	8:55 o'clock a.m. thereof, at the SHERATON GRAND HOTEL,	08:55:30	3 it's December 17th, 2009. Start of the deposition of
4	Falor Room, Sacramento, California 95814, before me,	08:55:33	4 Mr. Ronald Prentice in the matter of Kristin and Perry,
5	LESLIE CASTRO, a Certified Shorthand Reporter in and for	08:55:37	5 et al. versus Arnold Schwarzenegger, et al. For the
6	the State of California, personally appeared	08:55:40	6 U.S. District Court, Northern District of California.
7	RONALD PRENTICE	08:55:46	7 Case number 09-CV-2292 VRW.
8	Called as a witness, who, being by me first duly sworn,	08:55:49	8 We're located at the Sheraton Hotel in downtown
9	was thereupon examined and testified as hereinafter set	08:55:51	9 Sacramento.
10	forth.	08:55:56	10 Videographer is Mike Tunick in Rohnert Park. And
11		08:55:58	11 I've been retained by the San Francisco City Attorney's
12	APPEARANCES:	08:55:58	12 Office.
13	OFFICE OF THE CITY ATTORNEY, Fox Plaza, Seventh	08:56:02	13 And if we could now have our attorneys present
14	Floor, 1390 Market Street, San Francisco, California	08:56:05	14 please introduce themselves.
15	94102, represented by THERESE M. STEWART, Deputy City	08:56:07	15 MS. STEWART: Therese Stewart, Chief Deputy City
16	Attorney, appeared as counsel on behalf of the City and	08:56:09	16 Attorney for the City and County of San Francisco here
17	County of San Francisco.	08:56:11	17 to take the deposition on behalf of the plaintiffs in
18	GIBSON, DUNN & CRUTCHER, LLP, 555 Mission Street,	08:56:13	18 the case.
19	Suite 3000, San Francisco, California 94105-2933,	08:56:13	19 MS. HABIG: Jill Habig with the City and County of
20	represented by SARAH E. PIEPMEIER, Attorney at Law,	08:56:16	20 San Francisco.
21	appeared as counsel on behalf of the Plaintiffs.	08:56:19	21 MS. PIEPMEIER: Sarah Piepmeier, Gibson and Dunn
22	COOPER & KIRK, 1523 New Hampshire Avenue, N.W.,	08:56:21	22 for plaintiffs.
23	Washington, D.C. 20036, represented by NICOLE J. MOSS,	08:56:25	23 MS. MOSS: Nicole Moss with Cooper & Kirk
24	Attorney at Law, appeared as counsel on behalf of		24 representing the defendant intervenors and the witness
25	Ronald Prentice.		25 Ronald Prentice.
Page 7		Page 9	
1	LAW OFFICES OF ANDREW P. PUGNO, 101 Parkshore	08:56:26	1 MS. STEWART: And Ms. Moss, you wanted to make a
2	Drive, Suite 100, Folsom, California 95630, represented	08:56:28	2 statement on the record before we got started, so why
3	by ANDREW P. PUGNO, Attorney at Law, appeared as counsel	08:56:31	3 don't we go ahead and do that.
4	on behalf of the Ronald Prentice.	08:56:33	4 MS. MOSS: Rather than interrupt the deposition as
5		08:56:35	5 it goes on, we just want to state at the beginning a
6	Also Present: Mike Tunick, Videographer, Jill Habig	08:56:38	6 continuing objection to any questions that in our view,
7	---oOo---	08:56:43	7 defendant intervenor's view exceed the scope of what the
8		08:56:47	8 City and County of San Francisco is permitted to
9		08:56:49	9 intervene on.
10		08:56:50	10 And it's our view that none of the deposition
11		08:56:53	11 topics that were noticed for the 30(b)(6) deposition
12		08:56:56	12 ProtectMarriage.com go to the limited scope of their
13		08:57:02	13 intervention. So we would just have that standing
14		08:57:02	14 objection. And i won't make it then with every
15		08:57:02	15 question.
16		08:57:06	16 MS. STEWART: Understood.
17		08:57:06	17 And just to be clear, we are here to take the
18		08:57:10	18 deposition on behalf of all the plaintiffs.
19		08:57:12	19 So can you swear the witness.
20		08:57:14	20 RONALD PRENTICE
21		08:57:14	21 being first duly sworn, testified as follows:
22		08:57:14	22 EXAMINATION BY MS. STEWART:
23		08:57:23	23 MS. STEWART: Q Mr. Prentice, would you state your
24		08:57:25	24 full name for the record.
25		08:57:26	25 A. Ronald Allen Prentice.

Page 50

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 --

Page 51

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?

Page 52

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.

Page 53

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.

Page 58

Page 60

10:23:19 1 A. I would say that ProtectMarriage.com was  
 10:23:24 2 used -- I would say "yes," and definitely say a  
 10:23:40 3 broad-based coalition -- loose -- loosely.  
 10:23:46 4 Q. And when you say "loosely," what do you mean?  
 10:23:49 5 A. It's a loosely-formed coalition.  
 10:23:52 6 Q. And who -- what were the organizations that  
 10:24:00 7 were part of that loosely-based coalition?  
 10:24:04 8 MS. MOSS: I'm going to object to the extent  
 10:24:06 9 that -- two grounds: One, I still don't think it's  
 10:24:13 10 clear exactly which --  
 10:24:13 11 THE WITNESS: I agree.  
 10:24:14 12 MS. MOSS: -- entity, ProtectMarriage.com entity  
 10:24:15 13 that you're referring to. But secondly, to the extent  
 10:24:18 14 you understand or believe -- understand what entity  
 10:24:23 15 she's referring to, if it's the Yes on 8 committee, if  
 10:24:28 16 they were affiliated with organizations and that's  
 10:24:31 17 publicly known, you can disclose that. If there was any  
 10:24:35 18 private affiliations that are not publicly known, I  
 10:24:39 19 instruct you not to answer.  
 10:24:40 20 THE WITNESS: And I interpret your question to  
 10:24:42 21 refer to the Yes on 8 campaign. And there were people  
 10:24:46 22 that would go on to the website and sign on endorsing  
 10:24:50 23 it. And that's how loose and how broad-based we  
 10:24:55 24 interpreted the coalition to be.  
 10:24:58 25 MS. STEWART: Q And so when the website here

10:27:24 1 a generally directed purpose, not an entity.  
 10:27:33 2 Q. Was it a coalition?  
 10:27:39 3 A. Only to the extent that people aligned with a  
 10:27:42 4 generally directed purpose.  
 10:27:46 5 Q. Do you recall who was part of that coalition  
 10:27:55 6 prior to the 2008?  
 10:27:57 7 A. Prior to the forming of the ballot measure  
 10:27:58 8 committee, as it reads here, it's a broad-based  
 10:28:06 9 coalition of organizations, churches and individuals,  
 10:28:08 10 and so there was no list. There was no -- there was no  
 10:28:16 11 entity.  
 10:28:17 12 Q. Was there a website?  
 10:28:20 13 A. Apparently, this came off of a website and  
 10:28:24 14 it's copyright '05.  
 10:28:26 15 Q. And did you have anything to do with that  
 10:28:28 16 website prior to 2008?  
 10:28:37 17 A. I did not have anything to do with the  
 10:28:39 18 creation of the website, no.  
 10:28:42 19 Q. Do you know who did?  
 10:28:48 20 A. There has been a -- a changing relatively  
 10:28:57 21 fluid group of individuals who attempted to keep the  
 10:29:07 22 public informed of what was going on legally with  
 10:29:12 23 marriage.  
 10:29:15 24 Q. But do you know who created the  
 10:29:22 25 ProtectMarriage.com website that existed before 2008?

Page 59

Page 61

10:25:07 1 refers to a broad-based coalition of organizations,  
 10:25:09 2 churches and individuals, was that coalition formed  
 10:25:18 3 solely by people signing on to the website?  
 10:25:21 4 A. Well, actually, as I see at the bottom of  
 10:25:24 5 this, it says "2005." So this may be -- if it's 2005,  
 10:25:31 6 it obviously came before the formation of the ballot  
 10:25:36 7 measure committee.  
 10:25:41 8 And I don't know even then whether -- well,  
 10:25:43 9 there's a page on the left it says "Endorsement" so I  
 10:25:47 10 guess there was opportunity for people to align with  
 10:25:51 11 this general cause.  
 10:25:53 12 Q. So let me go back to 2005 then.  
 10:25:56 13 And ask you: Was -- was there an entity to  
 10:26:03 14 your knowledge called ProtectMarriage.com in 2005?  
 10:26:10 15 A. No, not an entity. There have been times  
 10:26:20 16 over -- there have been -- ProtectMarriage.com has been  
 10:26:26 17 more a general -- general purpose of -- for the benefit  
 10:26:38 18 of traditional marriage. And there have been -- and  
 10:26:45 19 prior to the Yes on 8 campaign, there was not an  
 10:26:51 20 official entity.  
 10:26:54 21 Q. Was there something other than an official  
 10:26:58 22 entity that you understood ProtectMarriage.com to refer  
 10:27:04 23 to before -- let's say before 2008?  
 10:27:12 24 A. I think that I understood ProtectMarriage.com  
 10:27:17 25 prior to the ballot measure committee to be, again, a --

10:29:31 1 A. I go not know who is responsible for its  
 10:29:33 2 creation.  
 10:29:34 3 Q. Was it someone who worked for the California  
 10:29:36 4 Family Council?  
 10:29:37 5 A. No.  
 10:29:37 6 Q. And I believe you said that California Renewal  
 10:29:42 7 had no employees; correct?  
 10:29:43 8 A. Correct.  
 10:29:46 9 Q. So you have no idea, as you sit here, who was  
 10:29:49 10 responsible for creating the ProtectMarriage.com website  
 10:29:53 11 before 2008?  
 10:29:54 12 A. Well, I have some idea in that I've referred  
 10:29:58 13 to a fluid committee of people. But I do not -- I do  
 10:30:03 14 not know precisely who pulled this trigger.  
 10:30:08 15 Q. If you look at the bottom of Exhibit 1,  
 10:30:10 16 there's a copyright designation it says "Copyright 2005  
 10:30:16 17 ProtectMarriage.com."  
 10:30:17 18 Do you see that?  
 10:30:18 19 A. Yes.  
 10:30:18 20 Q. And then it also says "After all rights  
 10:30:23 21 reserved," it says "ProtectMarriage.com, a project of  
 10:30:29 22 California Renewal."  
 10:30:29 23 Do you see that?  
 10:30:30 24 A. Yes.  
 10:30:31 25 Q. Was there a project of California Renewal in

Page 82

Page 84

11:13:13 1 go ahead to -- let me back up.  
 11:13:22 2 Did the California Renewal board ask the  
 11:13:28 3 individuals you mentioned to serve on a committee at  
 11:13:33 4 some point in time?  
 11:13:35 5 A. I apologize that I don't have knowledge of the  
 11:13:39 6 timing of the minutes of the California Renewal board I  
 11:13:46 7 would say that I lack a definite date as to when that  
 11:13:54 8 took place.  
 11:13:55 9 Q. But it did take place?  
 11:13:57 10 A. In terms of asking those specific individuals?  
 11:13:59 11 Q. Yes.  
 11:13:59 12 A. I think it was more -- I was given the  
 11:14:01 13 authority to move forward with the ballot measure being  
 11:14:12 14 a project of California Renewal.  
 11:14:17 15 Q. And did you request the other members -- the  
 11:14:20 16 people who became the members of the executive committee  
 11:14:23 17 to serve in that capacity?  
 11:14:28 18 A. It's an odd -- it's an odd thing to try to  
 11:14:33 19 describe because we can talk about an ad hoc executive  
 11:14:36 20 committee and even that we wouldn't have referred to  
 11:14:44 21 ourselves as "members." We were -- we were n an  
 11:14:50 22 association of individuals who by our discussions  
 11:14:57 23 recognized the need or the desire to move forward.  
 11:15:03 24 Q. All right.  
 11:15:04 25 A. Sorry.

11:17:15 1 those functions?  
 11:17:16 2 A. Yes.  
 11:17:19 3 Q. Did the executive committee oversee any aspect  
 11:17:22 4 of the campaign after the measure was qualified for the  
 11:17:27 5 ballot?  
 11:17:31 6 A. The executive committee met and received  
 11:17:34 7 reports and gave and supervised the primary vendors that  
 11:17:42 8 were selected, yes.  
 11:17:45 9 Q. So is it fair to say that the first job that  
 11:17:52 10 the executive committee had was to get a measure  
 11:17:56 11 qualified for the ballot?  
 11:17:58 12 A. Yes.  
 11:18:00 13 Q. First big job anyway?  
 11:18:01 14 A. Uh-huh.  
 11:18:02 15 Q. And how did the executive committee do that?  
 11:18:11 16 A. Through communication, through informing the  
 11:18:14 17 general population of the -- of title and summary and  
 11:18:24 18 petitions. By working with different networks within  
 11:18:32 19 the State, whether if be individuals who would contact  
 11:18:38 20 us and say "We want to help with petitions," and we  
 11:18:43 21 would just attempt to make it something better than  
 11:18:48 22 chaos in getting those petitions out.  
 11:18:51 23 Q. And when you say "networks within the State,"  
 11:18:54 24 what networks?  
 11:18:56 25 A. They were -- there again, there were -- there

Page 83

Page 85

11:15:04 1 Q. You said California Renewal --  
 11:15:10 2 MS. STEWART: Can you read back, like, two answers  
 11:15:13 3 ago.  
 11:15:31 4 (Record read.)  
 11:15:35 5 MS. STEWART: Q When you were given the authority  
 11:15:37 6 to move forward with the ballot measure being a project,  
 11:15:39 7 California Renewal, did you go to Mr. Dolejsi and  
 11:15:44 8 Mr. Jansson and Mr. or Ms. Doe and ask them to assist  
 11:15:50 9 you in that endeavor in some way?  
 11:15:53 10 A. There was no -- there was no official moment  
 11:15:56 11 in time when I went to any one of them and said, "Will  
 11:15:58 12 you assist me?" There was dialogue. And as a group of  
 11:16:08 13 individuals, we said, "Let's move forward."  
 11:16:11 14 Q. And when did you decide to move forward as a  
 11:16:13 15 group of individuals?  
 11:16:17 16 A. I -- I have attempted to answer that and --  
 11:16:23 17 Q. You can say you don't remember.  
 11:16:26 18 A. I don't recall beyond middle of '07.  
 11:16:28 19 Q. And what was the function of the executive  
 11:16:32 20 committee?  
 11:16:40 21 A. To identify the strategic plan for the ballot  
 11:16:48 22 measure. To give consideration to the selection of  
 11:16:56 23 vendors that would be necessary. And to identify a  
 11:17:03 24 fundraising plan.  
 11:17:11 25 Q. And did the executive committee carry out

11:19:03 1 were local networks of people who would say we're part  
 11:19:10 2 of this church or we're part of -- we're a group of  
 11:19:16 3 pastors in this area. Or -- that's how it all came to  
 11:19:23 4 be. They weren't established organizations or entities,  
 11:19:26 5 they were just, once again, loosely associated people  
 11:19:30 6 who were like-minded in this general direction.  
 11:19:38 7 Q. You said that you were -- strike that.  
 11:20:01 8 How did you -- did you raise money to do paid  
 11:20:08 9 signature gathering for the ballot measure?  
 11:20:13 10 MS. MOSS: Did you ask did or how?  
 11:20:15 11 MS. STEWART: Did.  
 11:20:16 12 THE WITNESS: Yes, we participated in that.  
 11:20:18 13 MS. STEWART: Q And where did the primary  
 11:20:23 14 donations come from for the signature gathering?  
 11:20:41 15 A. Well, I think it's a matter of public record  
 11:20:44 16 that there were a number of different organizations that  
 11:20:47 17 contributed during the petition gathering. National  
 11:20:51 18 Organization for Marriage was one, Focus on the Family  
 11:20:54 19 was another I believe were primary during --  
 11:21:02 20 Q. Did the church of Jesus Christ of the  
 11:21:03 21 Latter-Day Saints help fund the petition-gathering  
 11:21:10 22 effort?  
 11:21:14 23 A. No.  
 11:21:14 24 Q. Any other organizations that you can think of  
 11:21:15 25 that were significant donors, more than \$25,000 for the



Page 90

11:29:03 1 time and I believe one direct mail piece.  
 11:29:07 2 Q. And did they support other entities'  
 11:29:10 3 communications besides their own?  
 11:29:13 4 MS. MOSS: Objection. Lack of foundation. If you  
 11:29:15 5 know, you can answer.  
 11:29:16 6 THE WITNESS: I don't know.  
 11:29:17 7 MS. STEWART: Q Okay.  
 11:29:26 8 Q. How many people did ProtectMarriage.com have  
 11:29:30 9 on its staff during the Proposition 8 campaign?  
 11:29:34 10 A. How many people did the ballot measure  
 11:29:37 11 committee ProtectMarriage.com-Yes on 8 have on its  
 11:29:40 12 staff?  
 11:29:41 13 Q. Correct.  
 11:29:43 14 A. During the -- well --  
 11:29:45 15 MS. MOSS: I --  
 11:29:46 16 THE WITNESS: -- I guess I would need you to define  
 11:29:48 17 staff.  
 11:29:49 18 MS. STEWART: Q Employees.  
 11:29:51 19 A. And does that include independent contractors?  
 11:29:54 20 vendors?  
 11:29:56 21 Q. No.  
 11:29:57 22 A. Then at the time there were -- there were, to  
 11:30:06 23 my knowledge, none.  
 11:30:08 24 Q. Who did the day-to-day work of  
 11:30:12 25 ProtectMarriage.com if it had no staff?

Page 91

11:30:17 1 A. Volunteers.  
 11:30:19 2 Q. Did volunteers maintain the website?  
 11:30:24 3 A. No, those were vendors.  
 11:30:27 4 Q. Did you do work on the campaign?  
 11:30:34 5 A. I did work for the passage of the measure.  
 11:30:38 6 Q. Are you saying you did that work in a purely  
 11:30:40 7 volunteer capacity?  
 11:30:41 8 A. I was ultimately -- California Family Council  
 11:30:47 9 was ultimately reimbursed for some portion of their  
 11:30:50 10 efforts.  
 11:30:53 11 Q. How many consultants and independent  
 11:30:55 12 contractors did ProtectMarriage.com retain to do the  
 11:31:00 13 work of the campaign?  
 11:31:03 14 A. The actual number of vendors was well into the  
 11:31:10 15 hundreds.  
 11:31:11 16 Q. And who are the major ones that you can  
 11:31:13 17 recall?  
 11:31:15 18 A. Shubert and Flint was hired to be the campaign  
 11:31:18 19 management firm. Lawrence Research did our focus groups  
 11:31:25 20 and surveys and polling. Steve Linder was hired for  
 11:31:31 21 some fundraising work. Those are the primaries.  
 11:31:40 22 Q. How about Bader and Associates?  
 11:31:43 23 A. Bader was used during the petition gathering  
 11:31:45 24 as the -- as the primary firm.  
 11:31:52 25 Q. How about Mr. Pugno?

Page 92

11:31:57 1 A. Mr. Pugno served as the general counsel to  
 11:32:00 2 the -- to the ad hoc executive committee.  
 11:32:19 3 Q. And what was -- did candidates Outdoor Graphic  
 11:32:25 4 Service serve as a consultant?  
 11:32:27 5 A. Outdoor Graphics Service? I'm not sure who  
 11:32:33 6 that was. A fair amount of these vendors that were  
 11:32:37 7 selected were done so by Shubert and Flint.  
 11:32:39 8 Q. And how about Valley Press?  
 11:32:47 9 A. That may have been used for direct mail.  
 11:32:50 10 Q. And Cardinal Communications Strategies?  
 11:32:56 11 A. I'm sorry, I don't know who that is.  
 11:32:58 12 Q. K Street Communication?  
 11:33:01 13 A. K Street Communications was hired and served  
 11:33:07 14 for a number of weeks as -- in public relations during  
 11:33:10 15 the campaign.  
 11:33:13 16 Q. And Complete Campaigns?  
 11:33:17 17 A. Complete Campaigns was the donation source  
 11:33:22 18 online.  
 11:33:23 19 Q. So they were an online fundraiser?  
 11:33:26 20 A. No. No. I believe they were -- I believe  
 11:33:28 21 that they were the online entity through which donations  
 11:33:36 22 were gathered.  
 11:33:37 23 Q. The technology?  
 11:33:38 24 A. Yes.  
 11:33:47 25 Q. And how about Meta Information Service?

Page 93

11:33:50 1 A. That was -- they were used for the gathering  
 11:33:56 2 of our mail.  
 11:34:00 3 Q. And Sterling --  
 11:34:02 4 A. Was the -- Steve Linder is the president of  
 11:34:08 5 Sterling.  
 11:34:13 6 Q. And that they were hired to do fundraising?  
 11:34:17 7 A. Fundraising.  
 11:34:18 8 Q. And how about the Monaco Group, what were they  
 11:34:22 9 paid to do.  
 11:34:23 10 A. I'm sorry. I would probably be able to  
 11:34:26 11 identify a person's name, but I don't know the name of  
 11:34:28 12 the group.  
 11:34:30 13 Q. And you said Lawrence Research did your  
 11:34:31 14 polling?  
 11:34:32 15 A. Yes, and our focus groups.  
 11:34:39 16 Q. Were there any other polling consultants?  
 11:34:46 17 A. Not to my knowledge.  
 11:34:49 18 Q. And The Broadcast Team, what did they do?  
 11:34:52 19 A. Is that an official entity The Broadcast Team?  
 11:34:58 20 Q. Insofar as it apparently received \$120,000, I  
 11:35:03 21 assume it's an official entity.  
 11:35:05 22 But I take it you're not familiar --  
 11:35:08 23 A. Correct.  
 11:35:08 24 Q. -- with their work?  
 11:35:10 25 And Engage LLC, do you know what they did?

Page 94			Page 96		
11:35:13	1	A. Yes. They created and managed the website.	11:38:29	1	to receive reports from those vendors. And also to be
11:35:24	2	Q. Was the website creation and management under	11:38:36	2	informed of their strategic plan and plans for
11:35:30	3	the umbrella of your responsibilities for	11:38:40	3	implementation. And we would then provide them with
11:35:33	4	ProtectMarriage.com?	11:38:43	4	feedback.
11:35:37	5	A. Ultimately, it was under the umbrella of the	11:38:51	5	Q. And did you -- did the executive committee
11:35:41	6	responsibility of the ad hoc executive committee. It	11:38:54	6	carry out those responsibilities?
11:35:44	7	was -- the primary supervision to it came from Shubert	11:38:56	7	A. Yes.
11:35:49	8	and Flint.	11:38:57	8	Q. And did you carry them out to the best of your
11:35:51	9	Q. Did you oversee Shubert and Flint?	11:39:00	9	ability?
11:35:56	10	A. The ad hoc executive committee did, yes.	11:39:01	10	A. Yes.
11:36:04	11	Q. Did you have a title other than being on the	11:39:16	11	Q. You mentioned -- the last item you said be
11:36:07	12	ad hoc executive committee with ProtectMarriage.com?	11:39:20	12	informed of their strategic plan.
11:36:13	13	A. I was ultimately given the title within the	11:39:23	13	Can you explain for me, did the executive
11:36:16	14	committee as chairman.	11:39:25	14	committee ask the consultants to create a strategic plan
11:36:21	15	Q. What were your responsibilities as chairman of	11:39:30	15	which you then approved or adopted; is that how it
11:36:25	16	ProtectMarriage.com?	11:39:32	16	worked?
11:36:30	17	A. The committee worked very cooperatively with	11:39:36	17	MS. MOSS: I'm going to object. I think this is
11:36:39	18	much discussion. My role was primarily that of	11:39:40	18	getting down into a layer that's -- I think this is
11:36:44	19	facilitator of discussion.	11:39:43	19	getting down into a layer that's beyond, sort of,
11:36:47	20	Q. Facilitator of discussion by the executive	11:39:47	20	generalities and how the campaign organized itself and
11:36:51	21	committee?	11:39:51	21	carried out its functions. Which I think is both
11:36:51	22	A. Yes.	11:39:54	22	outside the scope of relevant discovery per Judge
11:36:56	23	Q. And are you saying that you had no other	11:39:56	23	Walker's November 11th order and protected by the First
11:36:59	24	responsibilities distinct from your responsibilities as	11:40:00	24	Amendment. So I'm going to instruct you not to answer.
11:37:02	25	an executive committee member?	11:40:45	25	MS. STEWART: Q Did you, as part of your
Page 95			Page 97		
11:37:05	1	A. I was a volunteer for the -- for the passage	11:40:53	1	responsibilities as an executive committee member,
11:37:09	2	of the measure but within the committee, my primary role	11:40:56	2	communicate with voters or people who were potential
11:37:14	3	as chairman, as odd as it may sound, was that I	11:41:06	3	voters about Proposition 8?
11:37:19	4	facilitated the discussion to come to decisions.	11:41:10	4	A. Yes.
11:37:24	5	Q. And earlier you listed as the responsibilities	11:41:11	5	Q. And what -- let me step back.
11:37:31	6	of the executive committee, I think you listed three	11:41:23	6	Did -- did ProtectMarriage.com also -- strike
11:37:35	7	things. And I'm just going to bullet point them again	11:41:32	7	that.
11:37:38	8	and ask you if we've missed any.	11:41:32	8	Did ProtectMarriage.com engage in
11:37:41	9	And now I want to encompass not only the	11:41:36	9	communications with voters or potential voters about
11:37:44	10	period of signature gathering, but the campaign as a	11:41:41	10	Proposition 8?
11:37:47	11	whole.	11:41:42	11	A. The ballot measure committee did engage in
11:37:48	12	A. Yes.	11:41:45	12	communications.
11:37:48	13	Q. Do you understand?	11:41:48	13	Q. And what kinds of communications did
11:37:48	14	A. Yes.	11:41:55	14	ProtectMarriage.com engage in with voters or potential
11:37:49	15	Q. So the responsibilities that you identified	11:42:00	15	voters?
11:37:53	16	were identifying strategic -- a strategic plan for the	11:42:04	16	A. Earlier on this morning, I referred to having
11:37:59	17	ballot measure. Giving consideration to selection of	11:42:09	17	looked through all of the public documents that were
11:38:04	18	vendors. And identifying fundraising -- a fundraising	11:42:13	18	compiled by Shubert and Flint post-campaign. And they
11:38:09	19	plan.	11:42:18	19	included television and radio advertising. They
11:38:09	20	A. Uh-huh.	11:42:23	20	included E-mail blasts. There was direct mail: Those
11:38:11	21	Q. Were there other responsibilities that the	11:42:33	21	were the primary forms of communication.
11:38:15	22	executive committee had in connection with the	11:42:37	22	Q. Were there rallies held?
11:38:19	23	Proposition 8 campaign?	11:42:41	23	A. Yes.
11:38:21	24	A. Our primary responsibility was to hire	11:42:44	24	Q. How about debates?
11:38:26	25	competent vendors and to oversee their activities, and	11:42:47	25	A. There were -- I'm not aware of any debates

Page 150				Page 152			
02:41:30	1	Q.	And what was the event in Orange?	02:44:38	1		there.
02:41:32	2	A.	A pastor's gathering.	02:44:39	2	Q.	Were they Worthlands [phonetic] a part of the
02:41:34	3	Q.	Did you speak at an event in San Jose?	02:44:45	3		bus tour?
02:41:38	4	A.	Yes.	02:44:46	4	A.	One.
02:41:40	5	Q.	What was that event?	02:44:46	5	Q.	Which one?
02:41:49	6	A.	That was -- that was a rally.	02:44:47	6	A.	Sacramento.
02:41:51	7	Q.	Do you recall where that was held?	02:44:56	7	Q.	And how about the Parker Family, were they a
02:41:54	8	A.	Not the name of the church.	02:44:59	8		part of the bus tour?
02:41:56	9	Q.	But it was at a church?	02:45:01	9	A.	No.
02:41:57	10	A.	Yes.	02:45:03	10	Q.	Were any of the pastors who were part of the
02:41:58	11	Q.	Would it refresh your recollection if I said	02:45:09	11		PRRT speakers on the bus tour?
02:42:01	12		it was something called The Church on the Hill?	02:45:16	12	MS. MOSS:	Object to lack of foundation as to --
02:42:02	13	A.	Yes.	02:45:19	13		he's already testified he didn't have any knowledge
02:42:11	14	Q.	Do you recall who invited you to speak at that	02:45:22	14		about who was on the PPR --
02:42:13	15		rally?	02:45:28	15	MS. STEWART:	Q Let me ask it this way: Did
02:42:18	16	A.	No.	02:45:30	16		Pastor Garlow speak anywhere on the bus tour?
02:42:26	17	Q.	When you spoke at the rallies at the bus tour,	02:45:34	17	A.	He spoke in San Diego.
02:42:31	18		did you -- did you have a, kind of, planned presentation	02:45:35	18	Q.	And did Miles McPherson participate in the bus
02:42:39	19		that you gave at each stop that was the same for all	02:45:38	19		tour?
02:42:42	20		seven stops?	02:45:41	20	A.	Not to my knowledge.
02:42:46	21	A.	No.	02:45:52	21	Q.	At the San Jose rally, who were the speakers
02:42:48	22	Q.	Okay.	02:45:56	22		besides yourself?
02:42:50	23		Tell me a little bit more about the bus tour	02:46:08	23	A.	I --
02:42:53	24		because we haven't talked about that.	02:46:14	24	Q.	Let me see if I can refresh your recollection.
02:42:55	25		What was that about and what was it like?	02:46:17	25		Do you recall a pastor by the name of
Page 151				Page 153			
02:42:58	1	A.	Well, it was a rally to bring people together.	02:46:18	1		Simirock?
02:43:06	2	Q.	And where were the stops for that rally?	02:46:20	2	A.	No.
02:43:13	3	A.	Other than the seven that I've mentioned?	02:46:21	3	Q.	Do you recall a radio -- I think a radio --
02:43:15	4	Q.	Well, you mentioned cities.	02:46:24	4		radio or television personality a fellow by the name of
02:43:16	5		But were they at churches at each city? were	02:46:29	5		Brian Sussman?
02:43:19	6		they at schools? were they at particular kinds of	02:46:31	6	A.	No.
02:43:23	7		locations?	02:46:32	7	Q.	Do you recall Bill May?
02:43:25	8	A.	Those that I attended were churches and open	02:46:32	8	A.	Yes.
02:43:33	9		space.	02:46:33	9	Q.	And do you recall Bill May speaking at that
02:43:36	10	Q.	Who else -- so did you actually travel by bus	02:46:35	10		rally?
02:43:40	11		with this bus tour?	02:46:36	11	A.	Yes.
02:43:41	12	A.	No.	02:46:36	12	Q.	And how about Don Ange, do you recall --
02:43:42	13	Q.	You would, sort of, drive in or fly in to the	02:46:41	13	A.	Don Ange, yes.
02:43:46	14		location and join the group?	02:46:44	14	Q.	Sorry.
02:43:50	15	A.	I -- I -- I would show up.	02:47:05	15		Do you know who organized the San Jose rally?
02:43:55	16	Q.	Was there an actual bus for the bus tour?	02:47:16	16	A.	I believe it was Larry Pegnam.
02:44:01	17	A.	Yes.	02:47:19	17	Q.	And who is Larry Pegnam?
02:44:02	18	Q.	Who were the other people who were part of	02:47:22	18	A.	He's the chairman of what's called Values
02:44:02	19		that bus tour in the sense of being speakers or	02:47:27	19		Advocacy Council.
02:44:02	20		presenters?	02:47:31	20	Q.	And what's Values Advocacy Council?
02:44:11	21	A.	It depended on the site. There were several.	02:47:35	21	MS. MOSS:	Objection. Lack of foundation. If you
02:44:16	22	Q.	Who are the ones that you remember?	02:47:36	22		know, you can answer.
02:44:18	23	A.	Mostly local people whose names I don't know.	02:47:37	23	THE WITNESS:	I can't -- well, no, not accurately.
02:44:24	24		And we would attempt to have either an executive	02:47:50	24	MS. STEWART:	Q When you -- well, let me keep
02:44:33	25		committee member or somebody from Shubert and Flint	02:47:53	25		going. So we talked about your public speaking.



Page 270	Page 272
<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>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>
Page 271	Page 273
<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>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>

# **Exhibit F**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 KRISTIN M. PERRY, et al., )  
4 Plaintiffs, )  
5 and ) No. 09-CV-2292 VRW  
6 )  
7 CITY AND COUNTY OF SAN FRANCISCO, )  
8 Plaintiff-Intervenor )  
9 vs. )  
10 ARNOLD SCHWARZENEGGER, et al. )  
11 Defendants, )  
12 and )  
13 PROPOSITION 8 OFFICIAL PROPONENTS )  
14 )  
15 DENNIS HOLLINGSWORTH, et al. )  
16 Defendant-Intervenors. )  
17 Videotaped Deposition of  
18 EDWARD DOLEJSI  
19 Wednesday, December 16, 2009  
20 --oOo--  
21 Reported by: CATHERINE D. LAPLANTE  
22 CSR License No. 10140  
23  
24  
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Page 90	Page 92
1 situations, I kind of have to listen to the question and	1 middle of the page here, it says: Today ProtectMarriage.com
2 decide whether I think that crosses the line.	2 announce the endorsement of the California Catholic
3 MR. DETTMER: And that's fair. What I'm doing in	3 Conference. The support comes from the Archdiocese of Los
4 spending this time, this valuable time is just trying to	4 Angeles and San Francisco, Diocese of Fresno, Monterey,
5 make the rest of the deposition more efficient, and	5 Oakland, Orange, Sacramento, San Bernardino, San Diego, San
6 obviously I disagree with you on the merits, but that's not	6 Jose, Santa Rosa and Stockton. Byzantine Catholic Eparchy
7 the purpose of the discussion.	7 of Van Nuys, and the Maronite Catholic Eparchy of Our Lady
8 MR. SWEENEY: I understand. I suspect we do disagree	8 of Lebanon of Los Angeles.
9 on that.	9 Do you see what I've read there?
10 MR. DETTMER: Okay. I'm really just trying to make	10 A. Yes.
11 this more efficient.	11 Q. With the assistance from Mr. Sweeney.
12 Q. In light of that conversation, are you, Mr. Dolejsi,	12 Is that statement -- recognizing you didn't write it,
13 aware of efforts that your organization, California Catholic	13 is that statement accurate?
14 Conference took to publicize a statement of the California	14 A. Yes.
15 Bishops regarding Proposition 8? Well, period.	15 Q. All right. You can put Exhibit 10 to the side.
16 A. In the public?	16 A. I was clarifying those are the organizations listed on
17 Q. Correct.	17 the letterhead of the California Catholic Conference, which
18 A. Yes.	18 is where the proponents receive them.
19 Q. Okay. And what were they?	19 Q. Sure. Okay. That's fine.
20 A. We released a press release containing the statement to	20 A. They've chosen to list them all.
21 the public press, and we released a press release to the	21 Q. I see. And my purpose in asking, is that, in fact,
22 Catholic Press that I referenced earlier.	22 accurate?
23 Q. And obviously you put it on the website; we've looked	23 A. Yes, it is accurate.
24 at that?	24 Q. Great. Did you take part in public rallies in support
25 A. Yes.	25 of Proposition 8?
Page 91	Page 93
1 Q. Aside from those efforts that you just mentioned, were	1 A. You mean personally?
2 there any others that you can think of to publicize this	2 Q. Correct.
3 document?	3 A. Yes.
4 A. We probably sent it to the National Catholic Press, but	4 Q. And do you recall how many such rallies you attended?
5 I don't recall. It would be customary to do so.	5 A. Let me think.
6 MR. DETTMER: Please mark this next exhibit as number	6 Four or five.
7 10.	7 Q. Do you remember where they were?
8 (Exhibit 10 marked.)	8 A. Some of them.
9 MR. DETTMER: Exhibit 10 just for the record is, again,	9 Q. Okay. Which ones do you remember?
10 a printout of a website page, and at the top it says:	10 A. Wesleyan Church in South Sacramento, rally in Fresno,
11 Protect Marriage, dash, Yes on 8, and it says, news.	11 rally in Modesto, and I'm trying to remember. There may
12 Underneath that it says, News. Ballot Initiative to Protect	12 have been one more in Stockton or Merced. I can't remember
13 Marriage Receives Endorsement of California Catholic	13 exactly.
14 Conference, and the date is August 4, 2008.	14 Q. The one that you mentioned at the Wesleyan Church in
15 Q. Do you recognize this, Mr. Dolejsi?	15 South Sacramento, do you remember how many people were
16 A. I don't, but I know what it is.	16 there?
17 Q. What is it?	17 A. The general crowd?
18 A. It appears to be a copy of a website page from the	18 Q. Correct.
19 ProtectMarriage.com website.	19 A. Couple hundred. I'm estimating.
20 Q. Okay. And I take it from your answer that you don't	20 Q. Sure. And who were the speakers?
21 know where ProtectMarriage.com got the statement of the	21 A. I only recall a few. As I recall, Ron Prentice spoke,
22 California Bishops, or do you?	22 pretty sure he spoke there. I think -- I don't remember
23 A. I would assume that they got it from the press release	23 whether -- I don't remember whether Frank Schubert spoke.
24 that we released publicly.	24 There was an African-American pastor who spoke, and there
25 Q. And if you look at the statement I guess sort of in the	25 was the Worthlands from Massachusetts who spoke, as I

Page 94	Page 96
<p>1 recall.</p> <p>2 Q. And who are the Worthlands from Massachusetts?</p> <p>3 A. They were a couple who were involved in a dispute in</p> <p>4 Massachusetts about the use of certain textbooks in their</p> <p>5 schools.</p> <p>6 Q. And do you know how they came to be at that rally?</p> <p>7 A. The campaign invited them to come to the rally.</p> <p>8 Q. And you spoke at that rally?</p> <p>9 A. I am trying to recall. I spoke at others, and I'm</p> <p>10 trying to recall whether I spoke at that one or not, so I</p> <p>11 would have to defer to whatever the record would show there.</p> <p>12 Q. You don't remember one way or the other?</p> <p>13 A. There were rallies when I was on stage, and there were</p> <p>14 rallies when I was on stage and spoke. I remember not</p> <p>15 speaking at the press conference at that one, but I can't</p> <p>16 recall whether I spoke at that rally.</p> <p>17 Q. Okay. So was it at the rallies that you attended, and</p> <p>18 you've identified three that you remember and one that you</p> <p>19 may remember.</p> <p>20 A. And I remember the other one was at Skyline Church in</p> <p>21 San Diego.</p> <p>22 Q. Okay. Is that in addition to the one that may have</p> <p>23 been in Stockton or Merced?</p> <p>24 A. It may be.</p> <p>25 Q. I understand. Okay. Was there both a public rally and</p>	<p>1 minister who spoke there. I don't recall his name. I would</p> <p>2 have to defer to the record. I'm sure there's a public</p> <p>3 record of who spoke somewhere.</p> <p>4 Q. Okay. And was there also a press conference in</p> <p>5 connection with that rally?</p> <p>6 A. Not that I recall or that I participated in. There may</p> <p>7 have been a press availability, and I'm not trying to be</p> <p>8 evasive. I just really literally don't remember because</p> <p>9 there were so many events and things that were going on, and</p> <p>10 I may have commented to the -- to the press and the</p> <p>11 availability, but there wasn't a formal press conference</p> <p>12 that I remember being set up.</p> <p>13 Q. Can you tell me your understanding of the difference</p> <p>14 between a press conference and a press availability?</p> <p>15 A. As I understood it, at the press conference, we had --</p> <p>16 the campaign had formally organized a press conference where</p> <p>17 we were going to present, you know, definite speakers to the</p> <p>18 press.</p> <p>19 As I recall in the rallies, in the other rallies around</p> <p>20 the State, there was more of a press availability. We would</p> <p>21 have a rally, and then there would be an availability for</p> <p>22 interested press to talk to the speakers and interview</p> <p>23 attendees, et cetera.</p> <p>24 Q. Okay. Okay. The Modesto rally that you mentioned, do</p> <p>25 you remember about how many people were there?</p>
<p>Page 95</p> <p>1 then a press conference afterwards at this rally at the</p> <p>2 Wesleyan Church in South Sacramento that you mentioned?</p> <p>3 A. Yes.</p> <p>4 Q. And you remember for sure that you did not speak at the</p> <p>5 press conference?</p> <p>6 A. To the best of my recollection I did not.</p> <p>7 Q. But you may or may not have spoken at the actual rally?</p> <p>8 A. To the best of my recollection.</p> <p>9 Q. Okay. Do you remember who did speak at the press</p> <p>10 conference?</p> <p>11 A. I remember Ron Prentice and the Worthlands spoke. I</p> <p>12 don't recall exactly who else would have spoken. May have</p> <p>13 spoken at that. I know there was someone else.</p> <p>14 Q. Let me ask you about the Fresno rally. Do you remember</p> <p>15 how many people attended that rally, approximately?</p> <p>16 A. Fresno. Where was I in Fresno? Let me think.</p> <p>17 I'm getting the venues confused between Modesto and</p> <p>18 Fresno. Okay. We were downtown.</p> <p>19 But probably again 2 or 300 would be my guess. I don't</p> <p>20 know.</p> <p>21 Q. Understood.</p> <p>22 A. I recall a large number of people being there.</p> <p>23 Q. And do you remember who spoke at that rally?</p> <p>24 A. I think I spoke at that rally. I think there was</p> <p>25 another local minister who spoke. There was a local</p>	<p>Page 97</p> <p>1 A. Same amount, I guess.</p> <p>2 Q. Similar amount?</p> <p>3 A. Similar amount, yeah.</p> <p>4 Q. Okay. Do you remember who spoke at that one?</p> <p>5 A. I did. I do not formally remember the other</p> <p>6 participants.</p> <p>7 Q. Okay. Was there a press conference after that, after</p> <p>8 that rally?</p> <p>9 A. To the best of my knowledge, there was a press</p> <p>10 availability, again, to the best of my knowledge.</p> <p>11 Q. And then you had said there was another one that may</p> <p>12 have been in Stockton, may have been in Merced. Do you</p> <p>13 remember better where that was?</p> <p>14 A. I don't. I'm sorry.</p> <p>15 Q. That's fine. And again --</p> <p>16 A. I don't. In fact, I think it was not Stockton because</p> <p>17 I think Modesto was sort of the Stockton area for us. It</p> <p>18 may have been Merced.</p> <p>19 Q. Okay.</p> <p>20 A. No. It was -- it was Bakersfield. There we go. It</p> <p>21 was Bakersfield.</p> <p>22 Q. Okay. And same questions. Do you remember about how</p> <p>23 many people were there?</p> <p>24 A. I guess approximately the same amount.</p> <p>25 Q. Okay.</p>

Page 162	Page 164
1 A. No.	1 MR. SWEENEY: I've instructed him not to answer.
2 Q. If you wanted to find, you know, the authoritative	2 MR. DETTMER: Okay.
3 version of any church document, where would you go to look	3 THE WITNESS: For the record -- also.
4 for it?	4 MR. SWEENEY: Hold on. I also would just note that he
5 MR. SWEENEY: Object. No foundation.	5 has no foundation. You're asking questions of systematic
6 If you know, you can answer.	6 theology. There's no foundation.
7 THE WITNESS: I'm unclear of the question, so can I --	7 THE WITNESS: And just for the record, I have not seen
8 MR. DETTMER: Sure.	8 the cover to this documentation 29. I have not seen that.
9 Q. Let's say as a hypothetical situation if you wanted to	9 MR. DETTMER: Okay.
10 find the official version of some church document, some	10 THE WITNESS: I do affirm that I have seen and read
11 church teaching, where would you go to look for it?	11 this particular document.
12 A. If I wanted to --	12 MR. DETTMER: Okay. Why don't we go off the record for
13 MR. SWEENEY: Hold on. Object to that question because	13 a second, and then maybe we can wrap this up.
14 that -- that is vague and ambiguous in the form of the	14 VIDEO OPERATOR: We are off the record at 3:12 p.m.
15 question. Church doctrine is -- is documented in a variety	15 (Off the record.)
16 of sources, so you need to be more specific in your	16 VIDEO OPERATOR: The time is 3:16 p.m., and we are back
17 questions.	17 on the record.
18 MR. DETTMER: Sure.	18 Q. BY MR. DETTMER: Mr. Dolejsi, thank you again. Just a
19 MR. SWEENEY: And, again, you are getting into matters	19 few more questions.
20 of the systematic theology, which I'm not certain you have	20 We had talked earlier about a Steering Committee that
21 any foundation to ask.	21 may or may not have existed at some point in time for
22 If you can respond to it, go ahead.	22 ProtectMarriage.com; is that right?
23 Q. BY MR. DETTMER: Let me ask you: Have you ever -- have	23 A. That's correct.
24 you ever studied any -- yes or no question.	24 Q. Okay. And so the question I guess I have just to
25 Have you ever studied any doctrinal writings of the	25 understand that a little bit better is, the questions I
Page 163	Page 165
1 congregation for the Doctrine of the Faith?	1 have: Is there a steering committee of ProtectMarriage.com
2 A. Yes.	2 today?
3 Q. Okay. And how do you get the documents that you	3 A. No.
4 studied? Where do you find them?	4 Q. Was there ever a steering committee for
5 A. I can either go on-line, as this document points out,	5 ProtectMarriage.com?
6 or a reference library that I can consult, and I can also go	6 A. No.
7 to the United States Catholic Conference and Bishop's	7 Q. Okay.
8 Publishing and request that document.	8 A. Not actually.
9 Q. Okay. Have you ever gone to the Vatican website to get	9 Q. So I take from your answer that a steering committee
10 such documents?	10 for ProtectMarriage.com was contemplated?
11 A. Personally, no.	11 A. Was contemplated and not realized.
12 Q. Okay. Do you know whether that's an appropriate place	12 Q. Can you say about when that occurred, when it was
13 to go to look for them, if you know?	13 contemplated but not realized?
14 A. I do.	14 A. I would -- I would speculate sometime in July or early
15 Q. Okay. And do you think it is?	15 August.
16 A. It can be.	16 Q. Of 2008?
17 Q. Okay. Have you read this document before today, this	17 A. Of 2008.
18 Considerations Regarding Proposals to Give Legal Recognition	18 Q. Okay.
19 to Unions Between Homosexual Persons?	19 A. But I cannot say exactly.
20 A. I have.	20 Q. Just to follow up on our discussion off the record.
21 Q. Okay. And as we've said before, I have many questions	21 My next questions all go to why was the plan not
22 for Mr. Dolejsi about what he thinks about this document,	22 realized, and I assume you're going to instruct him not to
23 and what he thinks it means, but based on our agreements and	23 answer that question?
24 what you've guys have told me about your objections, I'm not	24 MS. MOSS: That is right.
25 going to waste our time asking all those questions.	25 MR. DETTMER: Okay. Well, I guess what I'll do then is

Page 166

1 let's close the deposition for now. We'll see what happens  
 2 with the 9th Circuit or any other rulings that occur, and we  
 3 may or may not see you again at least before trial, so thank  
 4 you.  
 5 THE WITNESS: Thank you.  
 6 MR. SWEENEY: Thank you again.  
 7 MR. DETTMER: Any questions?  
 8 MS. MOSS: I have no questions.  
 9 MR. DETTMER: We're off the record.  
 10 VIDEO OPERATOR: This ends tape three, Volume I, of the  
 11 deposition of Edward Dolejsi. This also ends his deposition  
 12 we are off the record at 3:19 p.m.  
 13 THE REPORTER: Will you be ordering?  
 14 MR. DETTMER: Yes.  
 15 THE REPORTER: Mr. Sweeney, are you ordering a copy?  
 16 MR. SWEENEY: I don't think so.  
 17 THE REPORTER: Will you be ordering?  
 18 MS. MOSS: Yes. Absolutely. I'd like a rough as soon  
 19 as possible.  
 20 Also, we just need the witness to have two weeks to  
 21 read and sign so we can get the transcript and exhibits for  
 22 trial. If we can get a rough draft as soon as possible and  
 23 final on the 28th of December with exhibits scanned.  
 24 The witness -- after we get the transcript on the 28th,  
 25 he'll have two weeks to read and sign, and you can release

Page 167

1 the original for us to use in court.  
 2 THE REPORTER: What will you be ordering?  
 3 MS. MOSS: Rough and E-tran is fine. Well, go ahead  
 4 and give me the hard copy. I'll have exhibits scanned and  
 5 attached to the hard copy.  
 6 THE REPORTER: Do you want exhibits scanned and sent to  
 7 you?  
 8 MR. DETTMER: I want a hard copy, hard copy exhibits.  
 9 And E-tran of the transcript.  
 10 (Today's proceedings concluded at 3:26 p.m.)  
 11  
 12  
 13 \_\_\_\_\_  
 14 Edward Dolejsi  
 15  
 16  
 17 Subscribed and Sworn to before me this \_\_\_\_\_  
 18 of \_\_\_\_\_, 200\_\_\_\_\_.  
 19  
 20  
 21  
 22 \_\_\_\_\_  
 23 Notary Public  
 24  
 25 My Commission Expires:

Page 168

1 REPORTER'S CERTIFICATE  
 2  
 3 I, CATHERINE D. LAPLANTE, a Certified Shorthand  
 4 Reporter for the State of California, do hereby certify:  
 5 That I am a disinterested person herein; that the  
 6 witness, EDWARD DOLEJSI, in the foregoing deposition, was by  
 7 me duly sworn to testify the truth, the whole truth and  
 8 nothing but the truth; that the deposition was reported in  
 9 shorthand by me, CATHERINE D. LAPLANTE, a Certified  
 10 Shorthand Reporter of the State of California, and  
 11 thereafter transcribed into typewriting; that the foregoing  
 12 is a true and correct record of the testimony given by the  
 13 witness.  
 14 IN WITNESS WHEREOF, I hereby certify this transcript at  
 15 my office in the County of Placer, State of California, this  
 16 23rd day of December, 2009.  
 17  
 18 \_\_\_\_\_  
 19  
 20 CATHERINE D. LAPLANTE, CSR #10140  
 21  
 22  
 23  
 24  
 25



# **Exhibit G**

Page 1

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3 \_\_\_\_\_ )  
 4 KRISTIN M. PERRY, et al., )  
 ) )  
 5 Plaintiffs, )  
 ) )  
 6 vs. ) No. 09-CV-2292  
 ) VRW  
 7 )  
 8 ARNOLD SCHWARZENEGGER, et al., )  
 ) )  
 9 Defendants. )  
 ) )  
 10 \_\_\_\_\_ )  
 11 )  
 12 )  
 13 )  
 14 )  
 15 VIDEOTAPED  
 16 DEPOSITION OF JEFFREY FLINT  
 17 Sacramento, California  
 18 Friday, December 18, 2009  
 19 )  
 20 )  
 21 )  
 22 )  
 23 Reported by: LANA L. LOPER RMR, CRR, CCP,  
 CME, CLR, CCR, CSR No. 9667  
 24 File No.: 9488  
 25 Pages 1 - 248

Page 3

1 APPEARANCE OF COUNSEL:  
 2 )  
 3 FOR THE PLAINTIFFS:  
 4 BOIES, SCHILLER & FLEXNER LLP  
 5 BY: JEREMY M. GOLDMAN, ESQ.  
 6 THEODORE H. UNO, ESQ.  
 7 1999 Harrison Street  
 8 Suite 900  
 9 Oakland, California 94612  
 10 510-874-1000  
 11 jgoldman@bsfllp.com  
 12 tuno@bsfllp.com  
 13 )  
 14 FOR THE DEFENDANT INTERVENORS:  
 15 COOPER & KIRK  
 16 BY: CHARLES J. COOPER, ESQ.  
 17 1523 New Hampshire Avenue, N.W.  
 18 Washington, D.C. 20036  
 19 202-220-9600  
 20 ccooper@cooperkirk.com  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )

Page 2

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3 \_\_\_\_\_ )  
 4 KRISTIN M. PERRY, et al., )  
 ) )  
 5 Plaintiffs, )  
 ) )  
 6 vs. ) No. 09-CV-2292  
 ) VRW  
 7 )  
 8 ARNOLD SCHWARZENEGGER, et al., )  
 ) )  
 9 Defendants. )  
 ) )  
 10 \_\_\_\_\_ )  
 11 )  
 12 )  
 13 )  
 14 )  
 15 )  
 16 )  
 17 )  
 18 )  
 19 Videotaped deposition of JEFFREY FLINT, taken  
 20 on behalf of Plaintiffs, at 400 Capitol Mall, Suite  
 21 1400, Sacramento, California beginning at 8:09 a.m.  
 22 and ending at 4:17 p.m., on Friday, December 18,  
 23 2009, before Lana L. Loper, RMR, CRR, CCP, CME, CLR,  
 24 CCR, CSR No. 9667.  
 25 )

Page 4

1 APPEARANCE OF COUNSEL:  
 2 )  
 3 FOR THE DEPONENT:  
 4 ADVOCATES FOR FAITH & FREEDOM  
 5 BY: ROBERT H. TYLER, ESQ.  
 6 24910 Las Brisas Road  
 7 #110  
 8 Murrieta, California 92562  
 9 951-304-7583  
 10 rtyler@faith-freedom.com  
 11 )  
 12 FOR THE DEFENDANTS GOVERNOR ARNOLD SCHWARZENEGGER  
 13 AND ADMINISTRATIVE DEFENDANTS:  
 14 MENNEMEIER, GLASSMAN & STROUD, LLP  
 15 BY: ANDREW W. STROUD, ESQ.  
 16 980 9th Street  
 17 Suite 1700  
 18 Sacramento, California 95814  
 19 916-551-2590  
 20 stroud@mgsllaw.com  
 21 )  
 22 ALSO PRESENT:  
 23 CHE PRESANT, CLVS  
 24 JET BYCRAFT, AUDIO SPECIALIST  
 25 JASON LIPTON, CASE MANAGER

1 what I said earlier. I think you asked me earlier  
2 if, in a general sense, whether I engaged in a  
3 lengthy process to review documents prior to this  
4 deposition, and I testified that I did not.

5 The campaign was over a year ago. I've  
6 run other campaigns since then. So I acknowledge  
7 this statement as factual, that the campaign worked  
8 with churches to recruit volunteers. I'm advised by  
9 my attorney that the how is privileged information.

10 If there's anything else in the public  
11 domain that I'm not aware of right now that you want  
12 to show me and ask me if it's also a document that's  
13 accurate, I would be glad to do that, but other than  
14 that, I can't answer the question.

15 BY MR. GOLDMAN:

16 Q Let me ask you to turn to the sentence at  
17 the bottom of the page, on page 45. It says, "We  
18 produced campaign materials in more than 40  
19 languages," and continues on to the next page.

20 If you could read that sentence.

21 A Okay.

22 MR. COOPER: Can we have the sentence, in  
23 its entirety, read into the record, if you're going  
24 to question him about it? Do you mind?

25 MR. GOLDMAN: Sure.

1 Q Do you remember the name of the law school  
2 professor referred to in this paragraph?

3 A It was Richard Patterson, I believe.

4 Q Peterson, does that ring a bell?

5 A Well, it's right there.

6 Richard Peterson, I see it now. Yes,  
7 correct, Richard Peterson. I apologize.

8 Q And what do you mean by the word  
9 "prominent"?

10 MR. TYLER: Objection. The document  
11 speaks for itself. Except to the extent you believe  
12 there is information in the public domain, wherein  
13 you described what you meant by the word  
14 "prominent," I instruct you not to respond.

15 THE WITNESS: Again, you know, without  
16 having a dictionary in front of me, I think I know  
17 what the word "prominent" means.

18 BY MR. GOLDMAN:

19 Q Is it true that Richard Peterson is a  
20 prominent law school professor?

21 MR. TYLER: Objection. Argumentative.  
22 Go ahead.

23 THE WITNESS: Is it true that he's a...  
24 It's -- I mean, it strikes me as a  
25 subjective standard.

1 BY MR. GOLDMAN:

2 Q The sentence says, "We produced campaign  
3 materials in more than 40 languages and worked with  
4 church and community leaders to distribute these  
5 through the many ethnic networks that make up the  
6 fabric of California."

7 A Okay.

8 Q I've read that sentence correctly?

9 A Yes, you have.

10 Q Okay. Is it true that ProtectMarriage.com  
11 gave material to churches to distribute to their  
12 congregants?

13 A Yes.

14 Q Let me ask you to move to the next column.

15 A (Witness complies.)

16 Q And at the bottom of the first paragraph  
17 of that column, there's a sentence that says, "We  
18 then segued into potential consequences by featuring  
19 a prominent law school professor, warning about  
20 implications for religious freedom and freedom of  
21 expression and letting voters know that as a result  
22 of the court's decision, gay marriage would be  
23 taught in the public schools."

24 Do you see that?

25 A Yes, I do.

1 BY MR. GOLDMAN:

2 Q Where does Richard Peterson teach?

3 A At the university -- Pepperdine  
4 University. I was going to say University of  
5 Pepperdine, but I think it's Pepperdine University,  
6 is what it is called.

7 Q Did there come a time during the campaign  
8 when Pepperdine University asked to have its name  
9 removed from the ads featuring Richard Peterson?

10 A Yes.

11 Q And did ProtectMarriage.com remove the  
12 name Pepperdine University from the ads, in response  
13 to that request?

14 A My recollection is that we removed the  
15 name for a period of time, and then placed it back  
16 in, with an additional disclaimer that -- something  
17 to the effect that Professor Peterson's listing as a  
18 Pepperdine University law school professor was a  
19 title for identification purposes, and did not imply  
20 the endorsement of the university itself.

21 Q Let me ask you to turn to the last page of  
22 the document, page 47.

23 A (Witness complies.)

24 Q And I want you to read --

25 A Excuse me. Sorry. I do have a cough.

1 yes, that's page 3 on the document.  
 2 THE WITNESS: Same answer. I'm not aware  
 3 of whether a letter was sent to each and/or all of  
 4 these companies listed on this page.  
 5 BY MR. GOLDMAN:  
 6 Q Do you know whether a similar letter was  
 7 sent to any of them?  
 8 MR. TYLER: I'm going to let him answer  
 9 after I make an objection.  
 10 Actually, you can respond to that.  
 11 THE WITNESS: I can't name anyone  
 12 specifically that I know received the letter. I  
 13 think there were news accounts that some did, but I  
 14 can't recall specifically that it said, for example,  
 15 AT&T or Comcast got a letter. I don't know.  
 16 BY MR. GOLDMAN:  
 17 Q Do you know whether ProtectMarriage.com  
 18 received any donations as a result of sending a  
 19 letter like this?  
 20 MR. TYLER: Objection.  
 21 THE WITNESS: No.  
 22 MR. TYLER: He already responded.  
 23 THE WITNESS: Sorry.  
 24 Well, you know, I don't know. I mean, I  
 25 don't believe so, but I don't know for sure.

1 MR. TYLER: It's okay.  
 2 MR. GOLDMAN: Why don't we take a short  
 3 break because I think I can wrap up soon. And I  
 4 will just go through my notes and try to expedite  
 5 matters.  
 6 THE VIDEOGRAPHER: We are going off the  
 7 record. The time is approximately 4:06 p.m.  
 8 (Discussion off the record.)  
 9 THE VIDEOGRAPHER: We are going on the  
 10 record. The time is approximately 4:16 p.m.  
 11 MR. GOLDMAN: Mr. Flint, I have no further  
 12 questions at this time, and I thank you for your  
 13 time today.  
 14 THE WITNESS: Thank you.  
 15 MR. TYLER: Thank you.  
 16 MR. COOPER: Thank you.  
 17 MR. GOLDMAN: We are off the record.  
 18 THE VIDEOGRAPHER: We are completing  
 19 Volume I in the deposition of Jeff Flint. The total  
 20 number of tapes will be retained by Now and Forever  
 21 Video, at 5633 Country Club Drive, Oakland,  
 22 California 94618.  
 23 The time is now approximately 4:17 p.m.  
 24 We are off the record.  
 25 (END TIME: 4:17 p.m.)

1 I declare under penalty of perjury  
 2 under the laws of the State of California  
 3 that the foregoing is true and correct.  
 4 Executed on \_\_\_\_\_, 2009,  
 5 at \_\_\_\_\_.  
 6  
 7  
 8  
 9  
 10 \_\_\_\_\_  
 11 SIGNATURE OF THE WITNESS  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 STATE OF CALIFORNIA )  
 ss:  
 2 COUNTY OF SAN FRANCISCO )  
 3  
 4 I, LANA L. LOPER, RMR, CRR, CCP, CME, CLR, CCR,  
 5 CSR No. 9667, do hereby certify:  
 6  
 7 That the foregoing deposition of JEFFREY FLINT  
 8 was taken before me at the time and place therein  
 9 set forth, at which time the witness was placed  
 10 under oath and was sworn by me to tell the truth,  
 11 the whole truth, and nothing but the truth;  
 12 That the testimony of the witness and all  
 13 objections made by counsel at the time of the  
 14 examination were recorded stenographically by me,  
 15 and were thereafter transcribed under my direction  
 16 and supervision, and that the foregoing pages  
 17 contain a full, true and accurate record of all  
 18 proceedings and testimony to the best of my skill  
 19 and ability.  
 20 I further certify that I am neither related to  
 21 counsel for any party to said action, nor am I  
 22 related to any party to said action, nor am I in any  
 23 way interested in the outcome thereof.  
 24  
 25

Page 241		Page 242	
1	IN WITNESS WHEREOF, I have subscribed my name	1	<b>E X H I B I T S</b>
2	this 22nd day of December, 2009.	2	<b>JEFFREY FLINT</b>
3		3	<b>EXHIBIT PAGE</b>
4	_____	4	1 Politics Magazine article 61
5	LANA L. LOPER, RMR, CRR, CCP, CME, CLR CCR CSR 9667	5	Passing Prop 8, Smart Timing
6		6	and Messaging Convinced
7		7	California Voters to Support
8		8	Traditional Marriage By
9		9	Frank Schubert and Jeff
10		10	Flint, February 2009
11		11	2 ProtectMarriage.com Media 115
12		12	Advisory memorandum for
13		13	Immediate Release dated
14		14	October 31, 2008
15		15	3 Video CD - To Protect 118
16		16	Children
17		17	4 Video CD - Power, Love and a 124
18		18	Sound Mind
19		19	5 Video CD - The ABCs of 125
20		20	Protecting Marriage
21		21	6 Video CD - The Fine Line 126
22		22	(defective media)
23		23	7 Video CD - The Fine Line 126
24		24	8 Video CD - AAPC Proposition 127
25		25	Case Study Video 1
Page 243		Page 244	
1	<b>E X H I B I T S</b>	1	<b>E X H I B I T S</b>
2	<b>JEFFREY FLINT</b>	2	<b>JEFFREY FLINT</b>
3	<b>EXHIBIT PAGE</b>	3	<b>EXHIBIT PAGE</b>
4	9 Video CD - AAPC Proposition 130	4	18 Saturday-Tuesday Script GOTV 181
5	8 Case Study Video 3	5	November 1-4
6	10 Tape transcription of video 142	6	19 Memo dated September 17, 183
7	re Schubert #1, Flint #3,	7	2008 to Area Directors,
8	Flint #4, Schubert #7 and	8	Regional Coordinators, and
9	Schubert #8	9	Zip Code Supervisors from
10	11 Video CD - AAPC Proposition 148	10	Gary Lawrence
11	8 Case Study Video 4	11	20 ProtectMarriage.com Media 184
12	12 Video CD - AAPC Proposition 158	12	Advisory dated June 16, 2008
13	8 Case Study Video 7	13	21 ProtectMarriage.com Media 185
14	13 Video CD - AAPC Proposition 164	14	Advisory for Planning
15	8 Case Study Video 8	15	Purposes
16	14 ccnews.org article Protect 165	16	22 Rally signs 186
17	Marriage Prayer Requests at	17	23 Photocopy of bumper sticker 186
18	67 Days from November 4	18	re Vote "YES" on Prop 8
19	15 Document re If someone 169	19	24 ProtectMarriage.com Media 187
20	Answers	20	Advisory for Immediate Use
21	16 Document re Six Consequences 170	21	25 Joint Statement to 188
22	if Proposition 8 Fails...	22	California Religious Leaders
23	17 Phase II Advocacy and 174	23	Regarding Proposition 8
24	Persuasion Script	24	26 ProtectMarriage.com article 189
25	///	25	for Immediate Release

# **Exhibit H**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

KRISTIN M. PERRY, et al.,

Plaintiffs,

vs.

Case No. 09-CV-2292 VRW

ARNOLD SCHWARZENEGGER,  
et al.,

Defendants.

\_\_\_\_\_ /

Deposition of

RONALD PRENTICE

Volume II

Friday, December 18, 2009

REPORTED BY: LESLIE CASTRO, CSR #8876

BONNIE L. WAGNER & ASSOCIATES  
Court Reporting Services  
41 Sutter Street, Suite 1605  
San Francisco, California 94104  
(415) 982-4849

Page 2	<p>1 INDEX</p> <p>2</p> <p>3 Deposition of RONALD PRENTICE</p> <p>4 Volume II, Friday, December 18, 2009</p> <p>5</p> <p>6 Page</p> <p>7 FURTHER EXAMINATION BY MS. STEWART 11</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>Certified Questions:</p> <p>13</p> <p>14 Page Line</p> <p>15</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>	Page 4	<p>1 EXHIBITS (continued)</p> <p>2 June, 2008</p> <p>3 47 Multi-page Document with Letter 73</p> <p>4 attachment - To: To Whom it May Concern</p> <p>5 From: Debra Bowen</p> <p>6 48 Three-page Article - "Golden State, 78</p> <p>7 same-sex marriages"</p> <p>8 49 Three-page Article - "Changing views 81</p> <p>9 on marriages"</p> <p>10 50 Two-page Letter dated 3, 2008 83</p> <p>11 51 Three-page Article - "Society and 84</p> <p>12 same-sex marriage"</p> <p>13 52 Three-page Article - "God, gays and, 87</p> <p>14 government"</p> <p>15 53 Three-page Article - "The future of 87</p> <p>16 marriage"</p> <p>17 54 Multi-page Document "Knightline 5300" 92</p> <p>18 55 Two-page Article "Grossmont Union High 97</p> <p>19 School District board members join</p> <p>20 suit challenging anti-discrimination law</p> <p>21 56 Three-page Article "First-Person: 101</p> <p>22 Silencing the opposition</p> <p>23 57 Three-page Values Advocacy Council 104</p> <p>24 Article</p> <p>25 58 One-page "VAC Position on 107</p>
Page 3	<p>1 EXHIBITS</p> <p>2</p> <p>3 Deposition of RONALD PRENTICE</p> <p>4 Volume II Friday, December 18, 2009</p> <p>5</p> <p>6 Exhibit No. Description Page</p> <p>7 37 460 Recipient Committee Campaign 14</p> <p>8 Statement, 4/1/08-6/30/08</p> <p>9 38 460 Recipient Committee Campaign 19</p> <p>10 Statement, 1/1/08-3/31/08</p> <p>11 39 460 Recipient Committee Campaign 26</p> <p>12 Statement, 1/1/09-6/30/09</p> <p>13 40 460 Recipient Committee Campaign 29</p> <p>14 Statement, 7/1/08-9/30/08</p> <p>15 41 460 Recipient Committee Campaign 43</p> <p>16 Statement, 10/19/08-12/31/08</p> <p>17 42 460 Recipient Committee Campaign 47</p> <p>18 Statement, 10/1/08-10/18/08</p> <p>19 43 460 Recipient Committee Campaign 56</p> <p>20 Statement, 10/1/08-10/18/08</p> <p>21 44 460 Recipient Committee Campaign 61</p> <p>22 Statement, 10/19/08-12/31/08</p> <p>23 45 "Dr. Dobson Joins in Prayer for 62</p> <p>24 Protection of Marriage" - 10/29/08</p> <p>25 46 "Judicial Tyranny and California Lunacy"67</p>	Page 5	<p>1 EXHIBITS (continued)</p> <p>2 Homosexuality"</p> <p>3 59 Two-sided Website Article, May 6, 2009 109</p> <p>4 60 Two-sided Letter dated Friday, 112</p> <p>5 July 3, 2009</p> <p>6 61 One-page Black and White Photocopy of 113</p> <p>7 Pictures</p> <p>8 62 One-page Article dated 6/5/06 114</p> <p>9 63 One-page Article "Vote Tuesday, 117</p> <p>10 November 4th, 2008"</p> <p>11 64 "Yes on 8, Protect Marriage-Restoring 118</p> <p>12 Marriage and Protecting California Children"</p> <p>13 11/30/09</p> <p>14 65 Multi-page Article "Proposition 8: 121</p> <p>15 Who's Really Lying"</p> <p>16 66 Two-page Letter dated 11/19/08 132</p> <p>17 To: Dear Friends From: Ron Prentice</p> <p>18 67 Two-page Article "Dr. Dobson Denounces 135</p> <p>19 Connecticut Same-Sex Marriage Ruling"</p> <p>20 68 One-page Letter From: Bill May 136</p> <p>21 69 Four-page "Resource List: 139</p> <p>22 Homosexuality Resources"</p> <p>23 70 One-page "The Call Timeline" 140</p> <p>24 71 One-page "The Biblical Foundations 140</p> <p>25 of The Marriage Debate" by Jim Garlow</p>



Page 6		Page 8	
1	E X H I B I T S (continued)	1	E X H I B I T S (continued)
2	72 Two-page "The Ten Declarations For	2	100 Two-sided Article "Complete Marriage
3	Protecting Biblical Marriage" 141	3	and Family Home Reference Guide
4	73 One-page "The ABCs of the Proposition 8	4	
5	Marriage Amendment 142	5	
6	74 "God's Design For Marriage" 143	6	
7	75 Two-page E-mail Letter dated 8/5/08	7	
8	To: mjansson From: Ron Prentice 146	8	
9	76 Multi-page Article "The Divine	9	
10	Institution of Marriage, 8/13/08 146	10	
11	77 Three-page Article "Friday Five:	11	
12	Family Champion Ron Prentice 152	12	
13	78 Two-sided Website Article "Marriage	13	
14	Protection Press Conference Speakers	14	
15	Announced" 154	15	
16	79 Multi-page Article "Frequently Asked	16	
17	Questions About Same-Sex Marriage" 155	17	
18	80 Two-page Article dated 5/20/09 157	18	
19	81 Two-page Article "Counseling for	19	
20	Unwanted Same-sex Attractions" 158	20	
21	82 Two-side Article "Love Won Out	21	
22	Transitions to Exodus International" 160	22	
23	83 Two-sided "Organizations	23	
24	Co-Sponsoring Marriage Protection Week" 161	24	
25	84 One-page Article "Focus on the Family	25	
	162		
Page 7		Page 9	
1	E X H I B I T S (continued)	1	BE IT REMEMBERED THAT, pursuant to Notice, and on
2	Conferences on Homosexuality"	2	Friday, December 18, 2009, commencing at the hour of
3	85 Two-sided Article "NARTH Position	3	8:51 o'clock a.m. thereof, at the SHERATON GRAND HOTEL,
4	Statements" 165	4	Falor Room, Sacramento, California 95814, before me,
5	86 Multi-page Article "Is Marriage in	5	LESLIE CASTRO, a Certified Shorthand Reporter in and for
6	Jeopardy" by Glenn T. Stanton 169	6	the State of California, personally appeared
7	87 Two-page "Protect Marriage California	7	RONALD PRENTICE
8	Timeline", 6/25-11/6/08 170	8	Called as a witness, who, being by me first (previously)
9	88 Two-page Article "Myths and Facts	9	duly sworn, was thereupon examined and testified as
10	about Proposition 8" 172	10	hereinafter set forth.
11	89 DVD File No. 100 174	11	
12	90 DVD File No. 145 176	12	APPEARANCES:
13	91 DVD File No. 108 177	13	OFFICE OF THE CITY ATTORNEY, Fox Plaza, Seventh
14	92 DVD File No. 139 179	14	Floor, 1390 Market Street, San Francisco, California
15	93A DVD File No. 147 182	15	94102, represented by THERESE M. STEWART, Deputy City
16	93B DVD File No. 148 182	16	Attorney, appeared as counsel on behalf of the City and
17	94 DVD File No. 240 184	17	County of San Francisco.
18	95 Three-page Article "Multi-State	18	GIBSON, DUNN & CRUTCHER, LLP, 555 Mission Street,
19	Polling Study Shows California's Field Poll...." 185	19	Suite 3000, San Francisco, California 94105-2933,
20	96 DVD File No. 206 186	20	represented by SARAH E. PIEPMEIER, Attorney at Law,
21	97 Three-page Article "for Pastors &	21	appeared as counsel on behalf of the Plaintiffs.
22	Churches 187	22	COOPER & KIRK, 1523 New Hampshire Avenue, N.W.,
23	98 Multi-page Article "Love Won Out" 188	23	Washington, D.C. 20036, represented by NICOLE J. MOSS,
24	99 Two-sided Article "Complete Marriage	24	Attorney at Law, appeared as counsel on behalf of
25	and Family Home Reference Guide 190	25	Ronald Prentice.

Page 94

11:26:03 1 A. Yes.

11:26:03 2 Q. Is it true that ProtectMarriage.com asked --

11:26:12 3 well, let me -- asked Catholics for the Common Good to

11:26:23 4 begin organizing Catholics for ProtectMarriage.com?

11:26:28 5 MS. MOSS: I would instruct you not to answer to

11:26:30 6 the extent that it would call for you to reveal private

11:26:34 7 information internal to the campaign. But to the extent

11:26:37 8 it's public, you can respond.

11:26:41 9 MS. STEWART: Well, Ms. Moss, I'm going to tell you

11:26:43 10 that this document is on the worldwide web.

11:26:48 11 MS. MOSS: But you're asking him to confirm

11:26:49 12 something that he's never seen before that somebody else

11:26:52 13 drafted. And people can put anything they want on the

11:26:56 14 web. It's very different asking him to confirm that

11:26:59 15 fact. If it's publicly known --

11:27:04 16 MS. STEWART: If it's on the web, it would seem to

11:27:06 17 be publicly known.

11:27:08 18 MS. MOSS: People can report incorrect information

11:27:10 19 all the time --

11:27:11 20 MS. STEWART: And that's why I'm asking.

11:27:12 21 MS. MOSS: -- known and confirmed by the campaign

11:27:15 22 publicly, then you can --

11:27:19 23 MS. STEWART: I'm asking him -- let me just ask the

11:27:20 24 question again. And then if you want to instruct him,

11:27:22 25 instruct him. I think your instruction makes no sense.

Page 95

11:27:26 1 Q. I'm asking you whether the statement in this

11:27:28 2 Knights of Columbus Newsletter from Catholics for the

11:27:34 3 Common Good website or at least that's how it's headed,

11:27:38 4 That we have been asked by ProtectMarriage.com and the

11:27:41 5 California Catholic Conference to begin organizing

11:27:45 6 Catholics for ProtectMarriage.com is true.

11:27:48 7 And I'm not expecting that you'll know, but

11:27:51 8 you can answer if you do about the California Catholic

11:27:55 9 Conference.

11:27:55 10 But what I do want to know is it true that

11:27:59 11 Catholics for the Common Good have been asked by

11:28:02 12 ProtectMarriage.com to begin organizing Catholics for

11:28:04 13 ProtectMarriage.com?

11:28:07 14 MS. MOSS: Again, if it has been publicly confirmed

11:28:11 15 by the campaign that that occurred, then you can answer.

11:28:15 16 Obviously, if you know, you can answer. If it has not

11:28:18 17 been publicly confirmed, I would instruct you not to

11:28:21 18 answer.

11:28:21 19 THE WITNESS: I'm not aware that it's been publicly

11:28:23 20 confirmed.

11:28:26 21 MS. STEWART: Q Do you see on the next page at the

11:28:28 22 end of this piece it's signed For the Common Good,

11:28:32 23 Bill May?

11:28:35 24 A. Yes.

11:28:36 25 Q. And who is Bill May?

Page 96

11:28:40 1 A. Bill May is the leader of Catholics for the

11:28:45 2 Common Good.

11:28:47 3 Q. And was Bill May a part of the leadership of

11:28:56 4 ProtectMarriage.com?

11:29:01 5 MS. MOSS: To the extent that's public you's can

11:29:04 6 respond. If it's -- well, I'm going to object that it's

11:29:12 7 vague what the "leadership" means.

11:29:15 8 MS. STEWART: Let me ask more specifically.

11:29:17 9 Q. Was Bill May on the executive committee of

11:29:22 10 ProtectMarriage.com?

11:29:24 11 MS. MOSS: You can answer that.

11:29:25 12 THE WITNESS: No.

11:29:27 13 MS. STEWART: Q Under the heading here about

11:29:29 14 ProtectMarriage.com on the page 13, it says "I serve on

11:29:34 15 the steering committee of ProtectMarriage.com, the

11:29:37 16 official campaign in support of Prop 8."

11:29:41 17 Do you see that?

11:29:41 18 A. Yes.

11:29:41 19 Q. Do you know what Mr. May -- how he was using

11:29:45 20 the word "steering committee"?

11:29:48 21 MS. MOSS: Objection. Calls for speculation.

11:29:53 22 THE WITNESS: I can't say what Mr. May was

11:29:57 23 thinking.

11:29:58 24 MS. STEWART: Q Did you ever use the phrase

11:30:00 25 "steering committee" in reference to

Page 97

11:30:04 1 ProtectMarriage.com?

11:30:05 2 MS. MOSS: If you've used the phrase publicly, you

11:30:07 3 can respond.

11:30:14 4 THE WITNESS: I don't know.

11:30:16 5 MS. STEWART: Q Was there a steering committee as

11:30:19 6 distinct from the executive committee?

11:30:25 7 MS. MOSS: I need to confer with him before he

11:30:27 8 responds so he doesn't reveal privileged information.

11:30:35 9 (Pause in the proceedings.)

11:31:02 10 THE WITNESS: Could you repeat the question?

11:31:04 11 MS. STEWART: Q Was there a steering committee for

11:31:07 12 ProtectMarriage.com?

11:31:08 13 A. No.

11:31:14 14 Q. I'm going to ask you to put my files in order

11:31:26 15 for me -- to take a look at a document that will be

11:31:42 16 marked Exhibit 55.

11:31:42 17 (Whereupon, Exhibit No. 55 was

11:32:08 18 Marked for identification.)

11:32:12 19 MS. STEWART: Q Have you seen this document

11:32:14 20 before?

11:32:34 21 A. No.

11:32:36 22 Q. Do you recall whether you spoke to a reporter

11:32:39 23 by the name of Margie Palmer about Senate Bill 777 in

11:32:49 24 January of 2008?

11:32:50 25 A. I don't recall.

Page 190

Page 192

04:35:49 1 A. I don't know.  
 04:35:50 2 Q. You don't remember that?  
 04:35:51 3 A. No.  
 04:35:51 4 Q. Now, do you see that it says "That's why we've  
 04:35:54 5 developed a one-day conference for those looking for  
 04:35:56 6 answers on this often divisive issue"?  
 04:36:00 7 A. Yes.  
 04:36:00 8 Q. And underneath that it says "Whether an  
 04:36:03 9 educator, parent, concerned citizen or even a gay  
 04:36:06 10 activist, Love Won Out will inform, inspire and offer  
 04:36:10 11 hope"?  
 04:36:12 12 A. Yes.  
 04:36:12 13 Q. Does that refresh your recollection in any way  
 04:36:12 14 that the Love Won Out conference was about teaching  
 04:36:16 15 people how to prevent and treat homosexuality?  
 04:36:21 16 A. No.  
 04:36:22 17 Q. Do you see in the next section it says "A  
 04:36:25 18 dynamic one-day conference addressing, understanding and  
 04:36:28 19 preventing homosexuality"?  
 04:36:30 20 A. Yes.  
 04:36:40 21 MS. STEWART: Next document will be marked  
 04:36:44 22 Exhibit 99.  
 04:36:44 23 (Whereupon, Exhibit No. 99 was  
 04:36:56 24 Marked for identification.)  
 04:37:01 25 MS. STEWART: Q Do you see that this is also a

04:46:36 1 at 4:46.  
 04:46:37 2 (Whereupon, the deposition adjourned.  
 04:46:37 3 At 4:46 p.m.)  
 04:46:37 4  
 04:46:37 5  
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RONALD PRENTICE

Page 191

Page 193

04:37:05 1 document that is from the web archive for the Focus on  
 04:37:09 2 the Family website?  
 04:37:12 3 A. Yes.  
 04:37:20 4 MS. STEWART: I'm going to mark as Exhibit 100 a  
 04:37:30 5 document entitled "Complete Marriage and Home Reference  
 04:37:34 6 Guide."  
 04:37:34 7 (Whereupon, Exhibit No. 100 was  
 04:37:45 8 Marked for identification.)  
 04:37:49 9 MS. STEWART: Q Can you see from the information  
 04:37:53 10 on this document that it is a printout from the web  
 04:37:57 11 archive of the Focus on the Family website?  
 04:38:01 12 A. Yes.  
 04:38:08 13 MS. STEWART: Well, I have lots of further  
 04:38:09 14 questions, but I think I'm out of time.  
 04:38:11 15 So I want to thank-you for your patience with a  
 04:38:15 16 long deposition, given that you were here for two  
 04:38:19 17 separate notices and send you on your way.  
 04:38:25 18 MS. MOSS: Let me confer real quickly with my  
 04:38:27 19 co-counsel and see if we have any follow-up questions.  
 04:38:31 20 MS. STEWART: Sure.  
 04:38:36 21 THE VIDEOGRAPHER: Off record at 4:38.  
 04:38:38 22 (Brief break.)  
 04:46:24 23 THE VIDEOGRAPHER: Back on the record at 4:46.  
 04:46:26 24 So this marks the end of tape No. 3 in volume 2,  
 04:46:33 25 deposition of Mr. Ronald Prentice. We're off the record

1 DEPOSITION OFFICER'S CERTIFICATE  
 2  
 3 STATE OF CALIFORNIA )  
 4 ) Ss.  
 5 COUNTY OF CONTRA COSTA )  
 6  
 7 I LESLIE CASTRO, CSR, hereby certify:  
 8 I am a duly qualified Shorthand Reporter in  
 9 the State of California, holder of Certificate Number  
 10 8876 issued by the Court Reporter's Board of California  
 11 and which is in full force and effect. (Fed R. Civ. P.  
 12 28(a)).  
 13 I am authorized to administer oaths of  
 14 affirmations pursuant to California Code of Civil  
 15 Procedure, Section 2093(b), and prior to being examined,  
 16 the deponent was first duly sworn by me. (Fed. R. Civ.  
 17 P. 28(a), 30(f) (1)).  
 18 I am not a relative or employee or attorney or  
 19 counsel of any of the parties, nor am I a relative or  
 20 employee of such attorney or counsel, nor am I  
 21 financially interested in this action. (Fed. R. Civ. P.  
 22 28).  
 23 I am the deposition officer that  
 24 stenographically recorded the testimony in the foregoing  
 25 deposition and the foregoing transcript is a true record

Page 194

1 of the testimony given by the deponent. (Fed. R. Civ.  
 2 P. 30(f) (1)).  
 3 Before completion of the deposition, review of  
 4 the transcript [ ] was [X] was not requested. If  
 5 requested, any changes made by the deponent (and  
 6 provided to the reporter) during the period allowed, are  
 7 appended hereto. (Fed. R. Civ. P. 30(a)).  
 8  
 9  
 10  
 11  
 12 Dated: 28th of December, 2009.  
 13  
 14  
 15  
 16 \_\_\_\_\_  
 17 LESLIE CASTRO, CSR  
 State of California  
 18 CSR License No. 8876  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 196

1 CERTIFICATION OF WITNESS  
 2  
 3  
 4 I, RONALD PRENTICE, hereby declare that I have read  
 5 the foregoing testimony, and the same is true and a  
 6 correct transcription of my said testimony except as I  
 7 have corrected.  
 8  
 9  
 10  
 11 \_\_\_\_\_  
 Signature  
 12  
 13  
 14  
 15 \_\_\_\_\_  
 Date  
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Page 195

1 ERRATA SHEET  
 2  
 3 PAGE LINE CHANGE  
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 20 \_\_\_\_\_  
 21 I, RONALD PRENTICE, have made the following changes  
 22 to my deposition taken in the matter of PERRY, ET AL.  
 23 vs. SCHWARZENEGGER, ET AL. taken on DECEMBER 18, 2009.  
 24 DATE: \_\_\_\_\_  
 RONALD PRENTICE  
 25

Page 197

BONNIE L. WAGNER & ASSOCIATES  
 COURT REPORTING SERVICE  
 41 SUTTER STREET, SUITE 1605  
 SAN FRANCISCO, CALIFORNIA 94104  
 (415) 982-4849

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