

1 JAMES C. HARRISON, State Bar No. 161958
2 KARI KROGSENG, State Bar No. 215263
3 REMCHO, JOHANSEN & PURCELL, LLP
4 201 Dolores Avenue
5 San Leandro, CA 94577
6 Phone: (510) 346-6200
7 Fax: (510) 346-6201
8 Email: kkrogseng@rjp.com

9 Attorneys for Third Party Subpoena Recipient
10 Californians Against Eliminating Basic Rights

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 KRISTIN M. PERRY, et al.,

15 Plaintiffs,

16 vs.

17 ARNOLD SCHWARZENEGGER, et al.,

18 Respondents.

) No.: 09-cv-2292 VRW

) **THIRD PARTY CALIFORNIANS AGAINST**
) **ELIMINATING BASIC RIGHTS'**
) **OPPOSITION TO MOTION TO COMPEL**

) Hearing:

) Date: Not set.
) Time: Not set.
) Dept: Not set.

(The Honorable Vaughn R. Walker)

1 On February 1, 2010, third-party subpoena recipient Californians Against Eliminating
2 Basic Rights (“CAEBR”) produced all non-privileged documents in its possession responsive to
3 defendant-intervenors’ November 16, 2009 subpoena, as limited by the Court’s January 8, 2010 Order
4 (Doc #372). CAEBR has produced all documents that contain, refer or relate to any arguments for or
5 against Proposition 8, except for communications among CAEBR’s core group and communications
6 CAEBR received from other third parties who are contesting the motion to compel. Attached to the
7 Declaration of Kari Krogseng in Support of CAEBR’s Opposition to the Motion to Compel as
8 Exhibit A is a true and correct copy of the February 1, 2010 letter that accompanied CAEBR’s
9 production.

10 Despite this fact, defendant-intervenors refused CAEBR’s request that they dismiss the
11 motion to compel CAEBR’s documents. Attached as Exhibit B to the Declaration of Kari Krogseng is
12 a true and correct copy of the February 1, 2010 e-mail summarizing defendant-intervenors’ position.

13 This afternoon, CAEBR received a letter from defendant-intervenors outlining
14 defendant-intervenors’ questions and concerns regarding the production. Attached as Exhibit C to the
15 Declaration of Kari Krogseng is a true and correct copy of defendant-intervenors’ February 2, 2010
16 letter. CAEBR will address defendant-intervenors’ questions and concerns through a meet and confer
17 process. With one exception, however, the issues raised by defendant-intervenors are not relevant to
18 the pending motion to compel. CAEBR has not produced documents it received from other third
19 parties that are the subject of this motion to compel. Because these parties are opposing the motion to
20 compel, CAEBR informed defendant-intervenors that it would produce these documents if the Court
21 were to grant defendant-intervenors’ motion to compel.

22 Given CAEBR’s compliance with the subpoena and its agreement to produce
23 documents received from the other third parties if the Court grants the motion, the motion should be
24 dismissed as to CAEBR.

1 Dated: February 2, 2010

Respectfully submitted,

2 James C. Harrison
3 Kari Krogseng
4 REMCHO, JOHANSEN & PURCELL, LLP

5 By: _____/S/
6 James C. Harrison

7 Attorneys for Third Party Subpoena Recipients
8 Californians Against Eliminating Basic Rights

9
10 (00099918.5)