

1 LYNN H. PASAHOW (CSB NO. 054283)
lpassahow@fenwick.com
2 CAROLYN CHANG (CSB NO. 217933)
cchang@fenwick.com
3 LESLIE KRAMER (CSB NO. 253313)
lkramer@fenwick.com
4 LAUREN WHITTEMORE (CSB NO. 255432)
lwhittemore@fenwick.com
5 FENWICK & WEST LLP
555 California Street, Suite 1200
6 San Francisco, CA 94104
Telephone: (415) 875-2300
7 Facsimile: (415) 281-1350

8 Attorneys for Third-Party, Equality California

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 KRISTIN M. PERRY, SANDRA B. STIER,
13 PAUL T. KATAMI, and JEFFREY J. ZARRILLO,

14 Plaintiffs,

15 v.

16 ARNOLD SCHWARZENEGGER, in his official
17 capacity as Governor of California; EDMUND G.
18 BROWN, JR., in his official capacity as Attorney
19 General of California; MARK B. HORTON, in his
20 official capacity as Director of the California
21 Department of Public Health and State Registrar of
22 Vital Statistics; LINETTE SCOTT, in her official
23 capacity as Deputy Director of Health Information &
24 Strategic Planning for the California Department of
25 Public Health; PATRICK O'CONNELL, in his
26 official capacity as Clerk-Recorder for the County of
27 Alameda; and DEAN C. LOGAN, in his official
28 capacity as Registrar-Recorder/County Clerk for the
County of Los Angeles,

Defendants,

and

24 PROPOSITION 8 OFFICIAL PROPONENTS
25 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
26 MARTIN F. GUTIERREZ, HAK-SHING
27 WILLIAM TAM, and MARK A. JANSSON; and
28 PROTECTMARRIAGE.COM – YES ON 8, A
PROJECT OF CALIFORNIA RENEWAL,

Defendant-Intervenors.

Case No. 09-CV-2292 VRW

**DECLARATION OF JAMES
CARROLL IN SUPPORT OF
THIRD-PARTY EQUALITY
CALIFORNIA'S OPPOSITION TO
DEFENDANT-INTERVENORS'
MOTION TO COMPEL
COMPLIANCE WITH NON-PARTY
DOCUMENT SUBPOENAS**

Trial: January 11, 2010
Judge: Chief Judge Vaughn R. Walker
Location: Courtroom 6, 17th Floor

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

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SAN FRANCISCO

1 I, James Brian Carroll, declare as follows:

2 1. I am Managing Director of Equality California (“EQCA”). I have personal
3 knowledge of the matters set forth herein unless otherwise stated and, if called upon, could and
4 would testify competently thereto.

5 2. EQCA is a California non-profit organization.

6 3. EQCA participated in the No on 8 – Equality For All campaign as one of sixty
7 organizations. During the campaign approximately 15 EQCA employees worked on the No on 8
8 campaign, including myself and Executive Director Geoff Kors. Geoff Kors also served as a
9 member of the Executive Committee of the No on 8 – Equality For All campaign.

10 4. EQCA’s involvement in the effort to defeat Proposition 8 began in early 2008
11 when the organization aided in the effort to prevent Proposition 8 from qualifying for the ballot.

12 5. I have over 14,000 saved email messages during the period EQCA employees
13 were working on the No on 8 – Equality For All campaign. I asked several of my colleagues who
14 worked on the campaign how many email messages they had saved during the campaign. One
15 colleague had over 13,000 messages and I estimate that Geoff Kors has over 30,000 email
16 messages from that time period.

17 6. Although EQCA’s email is stored on a central server, the server is not searchable.
18 In order to search the stored email EQCA employees must sign on individually and perform the
19 search of their stored email messages themselves.

20 7. In November of 2008, I oversaw the search for and collection of public documents
21 for purposes of responding to Proponents’ subpoenas. As part of that effort, particular EQCA
22 employees, including myself, had to search for and collect email distributed to the public.

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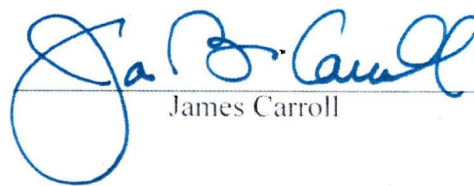
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8. I believe the time and effort it would take to re-search EQCA individuals' email for the private communications now being requested by Proponents in order to provide them to our counsel would cause serious disruption to EQCA.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 2nd day of February, 2010, in San Francisco, California.


James Carroll

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ATTORNEYS AT LAW
SAN FRANCISCO, CA