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7 Arnold Schwarzenegger, in his official capacity as Governor of the  
State of California, Mark B. Horton, in his official capacity as Director of the  
8 California Department of Public Health and State Registrar of Vital  
Statistics, and Linette Scott, in her official capacity as Deputy Director  
9 of Health Information & Strategic Planning for the California Department  
of Public Health

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

14 KRISTIN M. PERRY, SANDRA B. STIER, ) Case No. 09 CV 2292 VRW  
PAUL T. KATAMI, and JEFFREY J. )  
15 ZARRILLO, ) **THE ADMINISTRATION’S**  
) **SUPPLEMENTAL CASE MANAGEMENT**  
16 Plaintiffs, ) **STATEMENT**  
)  
17 v. )  
) Date: August 19, 2009  
18 ARNOLD SCHWARZENEGGER, in his ) Time: 10:00 a.m.  
official capacity as Governor of California, ) Judge: Hon. Vaughn R. Walker  
19 et al., ) Courtroom: 6  
Defendants. )  
20

21 Pursuant to the Court’s Order dated August 13, 2009 (Docket No. 141),  
22 defendants Arnold Schwarzenegger, in his official capacity as Governor of the State of  
23 California, Mark B. Horton, in his official capacity as Director of the California Department of  
24 Public Health and State Registrar of Vital Statistics, and Linette Scott, in her official capacity as  
25 Deputy Director of Health Information & Strategic Planning for the California Department of  
26 Public Health (collectively, the “Administration”), hereby submit this supplemental Case  
27 Management Statement. This supplements the Case Management Statement that the  
28 Administration filed on August 7, 2009 (Docket No. 132).

**PRELIMINARY STATEMENT**

1  
2 Plaintiffs' Complaint presents important constitutional questions that require and  
3 warrant judicial determination. In a constitutional democracy, it is the role of the courts to  
4 determine and resolve such questions. To the extent that Plaintiffs have stated a justiciable  
5 controversy, setting forth federal constitutional challenges to Proposition 8, it is appropriate for  
6 the federal courts to determine and resolve those challenges. The Administration also continues  
7 to believe that it is in the interest of the People of the State of California to have the federal  
8 courts resolve the issues presented by Plaintiffs' complaint as expeditiously as possible.

9 As for the merits of Plaintiffs' claims, the Administration takes no position. The  
10 Administration does not intend to present any evidence or argument, either in support of or in  
11 opposition to those claims.

**CASE MANAGEMENT ITEMS LISTED IN COURT'S 8/12/09 ORDER**

12  
13 The Court's August 12, 2009, order asked the parties to address four case-  
14 management topics. The Administration addresses each topic below:

15 1. Specific Elements of Plaintiffs' Claims and Defendants' Defenses:

16 The Administration will leave it for others to list the specific elements of the  
17 claims that Plaintiffs assert. In particular, having asserted those claims, it is incumbent on  
18 Plaintiffs to identify the elements of each of their claims.

19 The Administration has not asserted any affirmative defenses, and makes no  
20 contention regarding the merit of any defense asserted by any other party in this matter.

21 2. Admissions and Stipulations:

22 The Administration has not proposed, and does not intend to propose, that the  
23 parties enter into any admissions or stipulations. If any of the other parties wishes to propose any  
24 admissions or stipulations, the Administration will consider any such proposals.

25 3. Discovery:

26 The Administration does not intend to conduct any discovery.

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1                   4.     Expert Witnesses:

2                   The Administration does not intend to present any opinion testimony and/or  
3 expert witness testimony.

4 Dated: August 17, 2009

MENNEMEIER, GLASSMAN & STROUD LLP  
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8   By:     /s/ Kenneth C. Mennemeier  
  Kenneth C. Mennemeier  
9   Attorneys for Defendants Arnold Schwarzenegger,  
10   in his official capacity as Governor of the State of  
11   California, Mark B. Horton, in his official capacity  
12   as Director of the California Department of Public  
13   Health and State Registrar of Vital Statistics, and  
14   Linette Scott, in her official capacity as Deputy  
15   Director of Health Information & Strategic Planning  
16   for the California Department of Public Health

1 Case Name: *Perry, et al. v. Schwarzenegger, et al.*;  
2 Case No: US District Court, Northern District, Case No. 3:09-cv-2292 VRW

3 **CERTIFICATE OF SERVICE**

4 I declare as follows:

5 I am a resident of the State of California and over the age of eighteen years, and  
6 not a party to the within action; my business address is 980 9th Street, Suite 1700, Sacramento,  
California 95814. On August 17, 2009, I served the within document(s):

7 **THE ADMINISTRATION'S SUPPLEMENTAL CASE MANAGEMENT STATEMENT**

8  by placing the document(s) listed above in a sealed Federal Express  
9 envelope and affixing a pre-paid air bill, and delivering to a Federal  
10 Express agent for delivery.

11  by placing the document(s) listed above in a sealed envelope, with postage  
12 thereon fully prepared, in the United States mail at Sacramento, California  
addressed as set forth below.

13 **SEE ATTACHED SERVICE LIST**

14 I am readily familiar with the firm's practice of collection and processing  
15 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal  
Service on that same day with postage thereon fully prepared in the ordinary course of business.

16 I declare that I am employed in the office of a member of the bar of this Court at  
17 whose direction this service was made.

18 Executed on August 17, 2009, at Sacramento, California.

19 /s/ Angela Knight  
20 Angela Knight

**SERVICE LIST**

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