

Exhibit E

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August 27, 2009

By Electronic Mail

Matthew D. McGill
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1050 Connecticut Ave., NW
Washington, D.C. 20036-5306

Re: *Perry v. Schwarzenegger, et al.*,
U.S.D.C., N.D. Cal., C-09-2292 VRW

Dear Matt,

We are in receipt of Plaintiffs' First Set of Requests for Production and appreciate the efforts you have made to confine the scope of those Requests to the representations made at the August 19, 2009 hearing. Consistent with those representations, I write to clarify that Defendant-Intervenors understand Plaintiffs' Requests as not calling for the disclosure of Defendant-Intervenors' internal communications and documents, including communications between and among Defendant-Intervenors, as well as communications between Defendant-Intervenors and their agents, contractors, attorneys, donors, or others in a similarly private and confidential relationship with Defendant-Intervenors. We also understand your Requests, to the extent they call for communications or documents prepared for public distribution, to call for documents that actually were disclosed to the public. We, in turn, intend to make clear that our discovery requests to individuals and organizations opposed to Proposition 8 will be similarly limited.

Sincerely,



Nicole J. Moss

Cc: Charles J. Cooper, Esq.
David Thompson, Esq.