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13
14 Attorneys for Plaintiffs KRISTIN M. PERRY, SANDRA B. STIER,
PAUL T. KATAMI, and JEFFREY J. ZARRILLO

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,
18 PAUL T. KATAMI, and JEFFREY J.
ZARRILLO,

19 Plaintiffs,

20 v.

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

28 Defendants.

CASE NO. 09-CV-2292 VRW

**STIPULATION AND [PROPOSED] ORDER
REGARDING DISCOVERY OF EXPERT
WITNESSES**

1 Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo
2 (“Plaintiffs”), Plaintiff-Intervenor City and County of San Francisco (“Plaintiff-Intervenor”),
3 Defendant-Intervenors Proposition 8 Official Proponents Dennis Hollingsworth, Gail J. Knight,
4 Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson; and ProtectMarriage.com –
5 Yes on 8, A Project of California Renewal (“Defendant-Intervenors”), and Defendants Arnold
6 Schwarzenegger, Edmund G. Brown, Jr., Mark B. Horton, Linette Scott, Patrick O’Connell, and
7 Dean C. Logan (“Defendants”) (collectively the “Parties”), through their respective counsel of record,
8 hereby stipulate to the following regarding the scope of discovery concerning expert witnesses in
9 this matter:

10 1. The Parties stipulate and agree that no Party is entitled to discover the contents of
11 communications that involve counsel for any Party and any retained expert or outside consultant,
12 whether such expert or outside consultant is serving as a testifying or non-testifying expert;

13 2. Further, the Parties stipulate and agree that no Party is entitled to discover the contents
14 of drafts of expert witness disclosures or reports prepared in relation to Federal Rules of Civil
15 Procedure Rule 26(a)(2);

16 3. Nothing in this stipulation limits in any way the right of either party to discover and
17 examine the basis for a testifying expert’s opinion or conclusion, the data or other information
18 considered by the Outside Consultant in forming the opinion or conclusion, and any other
19 information subject to discovery under Rule 26(a)(2); and

20 4. This Stipulation may be signed in counterparts and facsimile signatures are deemed
21 originals for all purposes.

22 ///
23 ///
24 ///

1 DATED: September 16, 2009

GIBSON, DUNN & CRUTCHER LLP

2
3 By: _____ /s/
4 Christopher D. Dusseault

5 and

6 BOIES, SCHILLER & FLEXNER LLP

7 David Boies

8 Attorneys for Plaintiffs KRISTIN M. PERRY,
9 SANDRA B. STIER, PAUL T. KATAMI, and
10 JEFFREY J. ZARRILLO

11 DATED: September 10, 2009

OFFICE OF THE CITY ATTORNEY

12 By: _____ /s/
13 Ronald Flynn

14 Attorneys for Plaintiff-Intervenor
15 CITY AND COUNTY OF SAN FRANCISCO

16 DATED: September 10, 2009

COOPER AND KIRK, PLLC

17 By: _____ /s/
18 David Thompson

19 Attorneys for Defendant-Intervenors
20 PROPOSITION 8 OFFICIAL PROPONENTS; and
21 PROTECTMARRIAGE.COM – YES ON 8, A
22 PROJECT OF CALIFORNIA RENEWAL

23 DATED: September 16, 2009

OFFICE OF THE ATTORNEY GENERAL

24 By: _____ /s/
25 Tamar Pachter

26 Attorneys for Defendant
27 ATTORNEY GENERAL EDMUND G. BROWN, JR.
28

1 DATED: September 16, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

2
3 By: _____ /s/
Kenneth C. Mennemeier

4
5 Attorneys for Defendants ARNOLD
SCHWARZENEGGER, MARK B. HORTON, and
6 LINETTE SCOTT (the "Administration Defendants")

7 DATED: September 10, 2009

THE OFFICE OF THE COUNTY COUNSEL

8
9 By: _____ /s/
Claude F. Kolm, Deputy County Counsel

10
11 Attorneys for Defendant PATRICK O'CONNELL,
Clerk-Recorder for the County of Alameda

12 DATED: September 10, 2009

THE OFFICE OF COUNTY COUNSEL

13
14
15 By: _____ /s/
Judy Whitehurst

16
17 Attorneys for Defendant DEAN C. LOGAN,
Recorder/County Clerk for the County of Los Angeles

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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22 Dated: _____

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28 _____
HON. VAUGHN R. WALKER
United States District Chief Judge

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.


By: /s/ Enrique A. Monagas
Enrique A. Monagas

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GIBSON, DUNN & CRUTCHER LLP

By: 
Christopher D. Dusseault

and

BOIES, SCHILLER & FLEXNER LLP

David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,
SANDRA B. STIER, PAUL T. KATAMI, and
JEFFREY J. ZARRILLO

DATED: September __, 2009

OFFICE OF THE CITY ATTORNEY

By: _____
Ronald Flynn

Attorneys for Plaintiff-Intervenor
CITY AND COUNTY OF SAN FRANCISCO

DATED: September __, 2009

COOPER AND KIRK, PLLC

By: _____
David Thompson

Attorneys for Defendant-Intervenors
PROPOSITION 8 OFFICIAL PROPONENTS; and
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OFFICE OF THE ATTORNEY GENERAL

By: _____
Tamar Pachter

Attorneys for Defendant
ATTORNEY GENERAL EDMUND G. BROWN, JR.

1 DATED: September ____, 2009

GIBSON, DUNN & CRUTCHER LLP

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Christopher D. Dusseault

4 and

5 BOIES, SCHILLER & FLEXNER LLP

6 David Boies

7 Attorneys for Plaintiffs KRISTIN M. PERRY,
8 SANDRA B. STIER, PAUL T. KATAMI, and
9 JEFFREY J. ZARRILLO

10 DATED: September 10, 2009

OFFICE OF THE CITY ATTORNEY

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12 By: Ronald Flynn
Ronald Flynn

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14 CITY AND COUNTY OF SAN FRANCISCO

15 DATED: September ____, 2009

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18 By: _____
David Thompson

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GIBSON, DUNN & CRUTCHER LLP

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Christopher D. Dusseault

and

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David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,
SANDRA B. STIER, PAUL T. KATAMI, and
JEFFREY J. ZARRILLO

DATED: September ____, 2009

OFFICE OF THE CITY ATTORNEY

By: _____
Ronald Flynn

Attorneys for Plaintiff-Intervenor
CITY AND COUNTY OF SAN FRANCISCO

DATED: September ____, 2009

COOPER AND KIRK, PLLC

By: David Thompson / pb
David Thompson

Attorneys for Defendant-Intervenors
PROPOSITION 8 OFFICIAL PROPONENTS; and
PROTECTMARRIAGE.COM – YES ON 8, A
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DATED: September ____, 2009

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By: _____
Tamar Pachter

Attorneys for Defendant
ATTORNEY GENERAL EDMUND G. BROWN, JR.

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GIBSON, DUNN & CRUTCHER LLP

By: _____
Christopher D. Dusseault

and

BOIES, SCHILLER & FLEXNER LLP

David Boies

Attorneys for Plaintiffs KRISTIN M. PERRY,
SANDRA B. STIER, PAUL T. KATAMI, and
JEFFREY J. ZARRILLO

DATED: September ____, 2009

OFFICE OF THE CITY ATTORNEY

By: _____
Ronald Flynn

Attorneys for Plaintiff-Intervenor
CITY AND COUNTY OF SAN FRANCISCO

DATED: September ____, 2009

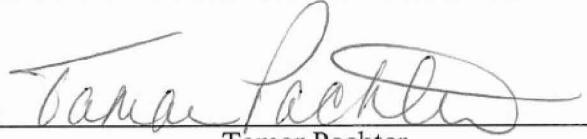
COOPER AND KIRK, PLLC

By: _____
David Thompson

Attorneys for Defendant-Intervenors
PROPOSITION 8 OFFICIAL PROPONENTS; and
PROTECTMARRIAGE.COM – YES ON 8, A
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DATED: September 16, 2009

OFFICE OF THE ATTORNEY GENERAL

By:  _____
Tamar Pachter

Attorneys for Defendant
ATTORNEY GENERAL EDMUND G. BROWN, JR.

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DATED: September 16, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

By: Kenneth C. Mennemeier
Kenneth C. Mennemeier

Attorneys for Defendants ARNOLD
SCHWARZENEGGER, MARK B. HORTON, and
LINETTE SCOTT (the "Administration Defendants")

DATED: September __, 2009

THE OFFICE OF THE COUNTY COUNSEL

By: _____
Lindsey Stern

Attorneys for Defendant PATRICK O'CONNELL,
Clerk-Recorder for the County of Alameda

DATED: September __, 2009

THE OFFICE OF COUNTY COUNSEL

By: _____
Judy Whitehurst

Attorneys for Defendant DEAN C. LOGAN,
Recorder/County Clerk for the County of Los Angeles

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HON. VAUGHN R. WALKER
United States District Chief Judge

100725508_1 (2009-09-09 Stipulation re experts) (4).DOC

1 DATED: September __, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

2
3 By: _____
Kenneth C. Mennemeier

4 Attorneys for Defendants ARNOLD
5 SCHWARZENEGGER, MARK B. HORTON, and
6 LINETTE SCOTT (the "Administration Defendants")

7 DATED: September 10, 2009

THE OFFICE OF THE COUNTY COUNSEL

8
9 By: Claude Kolm
Claude F. Kolm, Deputy County Counsel

10 Attorneys for Defendant PATRICK O'CONNELL,
11 Clerk-Recorder for the County of Alameda

12 DATED: September __, 2009

THE OFFICE OF COUNTY COUNSEL

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15 By: _____
Judy Whitehurst

16 Attorneys for Defendant DEAN C. LOGAN,
17 Recorder/County Clerk for the County of Los Angeles

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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HON. VAUGHN R. WALKER
United States District Chief Judge

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United States District Chief Judge

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