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

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

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

Case No. 09 CV 2292 VRW

16 **THE ADMINISTRATION DEFENDANTS'**
STATEMENT IN RESPONSE TO
DEFENDANT-INTERVENORS' MOTION
FOR SUMMARY JUDGMENT

17 v.)

Date: October 14, 2009
Time: 10:00 a.m.
Judge: Hon. Vaughn R. Walker
Courtroom: 6

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

28

1 PLEASE TAKE NOTICE that defendants Arnold Schwarzenegger, in his official
2 capacity as Governor of California, Mark B. Horton, in his official capacity as Director of the
3 California Department of Public Health and State Registrar of Vital Statistics, and Linette Scott,
4 in her official capacity as Deputy Director of Health Information & Strategic Planning for the
5 California Department of Public Health (collectively, the "Administration Defendants"), neither
6 support nor oppose Defendant-Intervenors' Motion for Summary Judgment (Docket No. 172-1).

7 Dated: September 23, 2009

MENNEMEIER, GLASSMAN & STROUD LLP
KENNETH C. MENNEMEIER
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By: *Kenneth C. Mennemeier*
Kenneth C. Mennemeier
Attorneys for Defendants Arnold Schwarzenegger,
in his official capacity as Governor of California,
Mark B. Horton, in his official capacity as Director
of the California Department of Public Health and
State Registrar of Vital Statistics, and Linette Scott,
in her official capacity as Deputy Director of Health
Information & Strategic Planning for the California
Department of Public Health

1 Case Name: *Perry, et al. v. Schwarzenegger, et al.*;
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 September 23, 2009, I served the within document(s):

7 **THE ADMINISTRATION DEFENDANTS' STATEMENT IN RESPONSE TO**
8 **DEFENDANT-INTERVENORS' MOTION FOR SUMMARY JUDGMENT**

9 by placing the document(s) listed above in a sealed Federal Express
10 envelope and affixing a pre-paid air bill, and delivering to a Federal
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 September 23, 2009, at Sacramento, California.

19 
20 _____
Melissa Haagensen

SERVICE LIST

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