

Exhibit D

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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

**PLAINTIFFS' RESPONSES TO
DEFENDANT-INTERVENORS
PROPOSITION 8 PROPONENTS'
FIRST SET OF INTERROGATORIES**

GENERAL OBJECTIONS

1
2 1. Plaintiffs object to these Interrogatories on the ground that they are compound in that
3 they seek (1) separate contentions of at least four Plaintiff individuals, and in some instances, their
4 children, (2) the documentary and/or other evidentiary basis for any such contentions, (3) the identity
5 of any and all possible exhibits, (4) the identity of any and all possible witnesses, and (5) the identity
6 of any evidence Plaintiffs have contradicting their contentions.

7 2. Plaintiffs object to these Interrogatories on the ground that they exceed the 25 written
8 interrogatories, including all discrete subparts, permitted by Federal Rule of Civil Procedure 33.

9 3. Plaintiffs object to these Interrogatories to the extent they seek to alter the schedule
10 imposed by the Court’s August 19, 2009 and August 24, 2004 pretrial scheduling orders. Doc ##160,
11 164. Specifically, “[d]esignation of witnesses presenting evidence under FRE 702, 703 or 705 and
12 production of written reports pursuant to FRCP 26(a)(2)(B)” is due on October 2, 2009. Doc #160
13 at 2. Additionally, the identity of proposed exhibits and witnesses is due on December 2, 2009. Doc
14 #164 at 1-2.

15 4. Plaintiffs object to each Interrogatory to the extent that it is premature and/or seeks
16 information that is more properly the subject of expert testimony.

17 5. Plaintiffs object to each Interrogatory as unduly burdensome and oppressive to the
18 extent that it purports to require Plaintiffs to provide information not in their possession, custody, or
19 control.

20 6. Plaintiffs object to each Interrogatory to the extent that it purports to impose any
21 requirement or discovery obligation on Plaintiffs other than those set forth in the Federal Rules of
22 Civil Procedure, the Civil Local Rules of the Northern District of California, and the applicable
23 Orders of Chief Judge Walker.

24 7. Plaintiffs object to each Interrogatory to the extent it calls for an answer that can be
25 derived or ascertained from records Plaintiffs have produced or will produce in this action pursuant to
26 Federal Rule of Civil Procedure 34. Plaintiffs will refer to the appropriate record or records for each
27 said Interrogatory.

28

1 8. Plaintiffs object to each Interrogatory to the extent that it purports to require Plaintiffs
2 to identify documentary evidence that is in the possession, custody, or control of Defendants,
3 Defendant-Intervenors, or third parties.

4 9. Plaintiffs object to each Interrogatory to the extent that it seeks information that is
5 protected by the attorney-client privilege, the work product doctrine, and/or any other applicable
6 privilege or immunity. Any disclosure of such protected or privileged information is inadvertent and
7 is not intended to waive those privileges or protections.

8 10. Plaintiffs object to the “Definitions” and “Instructions” that Defendant-Intervenors
9 purport to incorporate in its Interrogatories to the extent that they are inconsistent with or seek to
10 impose obligations beyond those imposed by the Federal Rules of Civil Procedure, the Civil Local
11 Rules of the Northern District of California, and the applicable Orders of Chief Judge Walker.

12 11. Plaintiffs object to each Interrogatory to the extent that it seeks information that is not
13 reasonably calculated to lead to the discovery of admissible evidence.

14 12. The subject matter of these Interrogatories is under continuing investigation. Plaintiffs
15 will respond to the Interrogatories with their current knowledge and reserve the right to supplement
16 these responses if any additional information is identified at a later time and to make any additional
17 objections that may become apparent. Plaintiffs also reserve the right to make any use of, or
18 introduce at any hearing or at trial, information not known or thought to be responsive at the time of
19 responding to these Interrogatories.

20 **RESPONSES TO INTERROGATORIES**

21 **INTERROGATORY NO. 1:**

22 Please identify any and all distinct contentions you may make to the effect that, as a result of
23 Proposition 8, the Defendants and/or the State are causing gays and lesbians and/or their children and
24 families significant hardship and/or irreparable harm, including reference to each and every instance
25 of humiliation, emotional distress, pain, suffering, psychological harm, and/or stigma you contend
26 Plaintiffs and/or their children and families have experienced, the time period in and/or date on which
27 you contend Plaintiffs, their children or families suffered the significant hardship and/or irreparable
28 harm, and the full Documentary and/or other evidentiary basis for any such contention(s), including

1 identifying any and all possible exhibits and witnesses, and identifying any evidence you have
2 contradicting your contentions.

3 **RESPONSE TO INTERROGATORY NO. 1:**

4 In addition to their General Objections, Plaintiffs object to this Interrogatory to the extent it
5 seeks private information, which is protected by Plaintiffs' right to privacy under Article I, Section 1
6 of the California Constitution. Plaintiffs further object to this Interrogatory on the grounds it is
7 overly broad and unduly burdensome, as it would be literally impossible to identify "each and every
8 instance of humiliation, emotional distress, pain, suffering, psychological harm, and/or stigma you
9 contend Plaintiffs and/or their children and families have experienced."

10 Subject to these objections, Plaintiffs respond as follows: Plaintiffs contend that marriage is a
11 highly valued and respected social institution made available to some, but not all, loving and devoted
12 couples. It provides not only a wealth of legal and social rights and responsibilities, but it also
13 describes and defines a person's relationship to and place in society. Excluding gay and lesbian
14 individuals from the institution of civil marriage, and instead relegating them to second-class status,
15 inflicts on gay and lesbian individuals and their children humiliation, emotional distress, pain,
16 suffering, psychological harm, and stigma. This harm would be greatly diminished or eliminated if
17 gay and lesbian individuals' right to marry the person they love was recognized, since the State
18 would no longer be treating same-sex couples as second-class citizens by excluding them, and only
19 them, from such a valued and honored social institution.

20 The harm inflicted on the Plaintiffs specifically is pervasive and constant. Accordingly,
21 documenting "each and every instance" of the harm is impossible. Nonetheless, in a good-faith effort
22 to respond to the interrogatory, Plaintiffs have documented types of harm they have experienced as
23 well as specific instances of harm they have suffered, attached hereto as Attachment A. In addition to
24 expert witnesses who will be identified at the appropriate time, Plaintiffs will testify regarding the
25 harms they have suffered as a result of Prop. 8 and their inability to marry, and third-party witnesses
26 may also testify. Documentary evidence Plaintiffs may rely on to demonstrate the harm and
27 embarrassment caused to gay and lesbian individuals includes, without limitation, the campaign
28 materials, advertisements, and other materials used in the campaign in favor of Prop. 8 by Defendant-

1 Intervenor and their fellow supporters of Prop. 8., as well as documents that Plaintiffs' experts may
2 rely upon in forming their opinions (which will be identified at the appropriate time).

3 **INTERROGATORY NO. 2:**

4 Please identify and describe any contentions you may make as to whether, how, and why, as
5 result of Proposition 8, the Defendants and/or the State are stigmatizing gays and lesbians, and/or
6 their children and families, identifying the full Documentary and/or other evidentiary basis for any
7 such contention(s), including identifying any and all possible exhibits and witnesses, and identifying
8 any evidence you have contradicting your contentions.

9 **RESPONSE TO INTERROGATORY NO. 2:**

10 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that one
11 of the "core elements of th[e] fundamental right [to marry] is the right of same-sex couples to have
12 their official family relationship accorded the same dignity, respect, and stature as that accorded to all
13 other officially recognized family relationships." *See In re Marriage Cases*, 183 P.3d 384, 434 (Cal.
14 2008). By "reserving the historic and highly respected designation of 'marriage' exclusively to
15 opposite-sex couples while offering same-sex couples only the new and unfamiliar designation of
16 domestic partnership," Prop. 8 communicates the "official view that [same-sex couples'] committed
17 relationships are of lesser stature than the comparable relationships of opposite-sex couples" and
18 impermissibly stamps gay and lesbian individuals and their children with a "mark of second-class
19 citizenship." *See id.* at 402, 434, 445.

20 Documentary evidence Plaintiffs may rely on to demonstrate stigmatization of gay and
21 lesbian individuals includes, without limitation, the campaign materials, advertisements, and other
22 materials used in the campaign in favor of Prop. 8 by Defendant-Intervenors and their fellow
23 supporters of Prop. 8., as well as documents that Plaintiffs' experts may rely upon in forming their
24 opinions (which will be identified at the appropriate time). Potential witnesses will include, in
25 addition to expert witnesses to be identified at the appropriate time, the Plaintiffs, third-party
26 witnesses, the Defendant-Intervenors and other supporters of Prop. 8.

1 **INTERROGATORY NO. 3:**

2 Please identify and describe any contentions you may make as to whether, how, and why any
3 asserted interest in extending the civil status of “marriage” to same-sex relationships is objectively,
4 deeply rooted in this nation’s history and tradition, identifying the full Documentary and/or other
5 evidentiary basis for any such contention(s), including identifying any and all possible exhibits and
6 witnesses, and identifying any evidence you have contradicting your contentions.

7 **RESPONSE TO INTERROGATORY NO. 3:**

8 In addition to their General Objections, Plaintiffs object to this Interrogatory on the ground
9 that it is misleading and not susceptible to a meaningful response in that it incompletely and/or
10 incorrectly states the facts relating to the subject matter of the Interrogatory.

11 Subject to these objections, Plaintiffs respond as follows: Plaintiffs contend that the right to
12 marry is a fundamental right protected under the Due Process Clause and that there is no compelling
13 or even rational basis on which to distinguish, and treat differently, same-sex and opposite-sex
14 couples with respect to the fundamental right to marry. As the Supreme Court declared in *Loving v.*
15 *Virginia*, the “freedom to marry” is “one of the vital personal rights essential to the orderly pursuit of
16 happiness by free men.” 388 U.S. 1, 12 (1967). Because “the right to marry is of fundamental
17 importance for all individuals” (*Zablocki v. Redhail*, 434 U.S. 374, 384 (1978)), “freedom of personal
18 choice in matters of marriage and family life is one of the liberties protected by the Due Process
19 Clause.” *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632, 639 (1974). Indeed, this Nation has a
20 deeply rooted—and frequently reaffirmed—“tradition” of “afford[ing] constitutional protection to
21 personal decisions relating to marriage,” “family relationships,” and “child rearing.” *Lawrence v.*
22 *Texas*, 539 U.S. 558, 573-74 (2003).

23 In addition, the principle of equal protection of the laws is powerful and longstanding in our
24 country and in our laws. Denying a minority of citizens an important right enjoyed by all other
25 citizens, without any compelling or even rational basis for excluding that minority from enjoying that
26 important right, is contrary to the long-standing and deeply rooted traditions of our country. *See*
27 *Romer v. Evans*, 517 U.S. 620, 633-34 (1996) (“It is not within our constitutional tradition to enact
28 laws of this sort. Central both to the idea of the rule of law and to our own Constitution’s guarantee

1 of equal protection is the principle that government and each of its parts remain open on impartial
 2 terms to all who seek its assistance. ‘Equal protection of the laws is not achieved through
 3 indiscriminate imposition of inequalities.’ (citation omitted). Respect for this principle explains why
 4 laws singling out a certain class of citizens for disfavored legal status or general hardships are rare. A
 5 law declaring that in general it shall be more difficult for one group of citizens than for all others to
 6 seek aid from the government is itself a denial of equal protection of the laws in the most literal
 7 sense. ‘The guaranty of ‘equal protection of the laws is a pledge of the protection of equal laws.’
 8 *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535, 541 (1942) (quoting *Yick Wo v. Hopkins*, 118
 9 U.S. 356 (1886))’); *see also Cruzan v. Director, Missouri Dep’t of Health*, 497 U.S. 261, 300 (1990)
 10 (Scalia, J., concurring) (“Our salvation is the Equal Protection Clause, which requires the democratic
 11 majority to accept for themselves and their loved ones what they impose on you and me.”).

12 Documentary evidence Plaintiffs may rely on to demonstrate that same-sex couples have a
 13 fundamental right to marry may include, without limitation, documents that Plaintiffs may produce,
 14 documents that Plaintiffs’ experts may rely upon in forming their opinions (which will be identified
 15 at the appropriate time), and other documents that may be produced by Defendant-Intervenors or
 16 others in this litigation. Potential witnesses include, in addition to expert witnesses to be identified at
 17 the appropriate time, the Plaintiffs and third-party witnesses.

18 **INTERROGATORY NO. 4:**

19 Please identify and describe any contentions you may make as to whether, how, and why the
 20 history of the enactment of and/or a Person’s support for Proposition 8 demonstrates animus by that
 21 Person, the Defendants, and/or the State against gays and lesbians, identifying the full Documentary
 22 and/or other evidentiary basis for any such contention(s), including identifying any and all possible
 23 exhibits and witnesses, and identifying any evidence you have contradicting your contentions.

24 **RESPONSE TO INTERROGATORY NO. 4:**

25 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that
 26 Prop. 8 purposely singled out gay and lesbians individuals for disparate treatment and enshrined
 27 discrimination against gay and lesbian individuals into the California Constitution. Prop. 8 was
 28 narrowly approved by California voters in November 2008—160 years after the adoption of the

1 State’s first constitution—and was a direct response to the California Supreme Court’s decision in *In*
 2 *re Marriage Cases*, 183 P.3d 384 (Cal. 2008). That decision held that the California Family Code’s
 3 prohibition of same-sex couples from civil marriage was unconstitutional under the due process and
 4 equal protection guarantees of the California Constitution. *Id.* at 452. According to the official
 5 General Election Voter Information Guide, Prop. 8 “[c]hange[d] the California Constitution to
 6 eliminate the right of same-sex couples to marry in California.” *Strauss v. Horton*, 207 P.3d 48, 77
 7 (Cal. 2009) (internal quotation marks omitted). Thus, the express and stated purpose of the ballot
 8 initiative was to strip gays and lesbians of constitutional rights afforded to them by the California
 9 Constitution and to impose a special disability on gays and lesbians alone by stripping them of state
 10 constitutional protections that apply to all other citizens.

11 Documentary evidence Plaintiffs may rely on to demonstrate animus against gay and lesbian
 12 individuals includes, without limitation, the campaign materials, advertisements, and other materials
 13 used in the campaign in favor of Prop. 8 by Defendant-Intervenors and their fellow supporters of
 14 Prop. 8, as well as other documents that may be produced by Defendant-Intervenors or others in this
 15 litigation. Plaintiffs may also seek to admit documents that Plaintiffs’ experts rely upon in forming
 16 their opinions (which will be identified at the appropriate time). Potential witnesses will include, in
 17 addition to expert witnesses to be identified at the appropriate time, the Plaintiffs, third-party
 18 witnesses, the Defendant-Intervenors and other supporters of Prop. 8.

19 **INTERROGATORY NO. 5:**

20 Please identify and describe any contentions you may make as to whether, how, and why, as a
 21 result of Proposition 8, the Defendants and/or the State accord same-sex couples and/or their children
 22 and families less respect and dignity than they accord opposite-sex couples, identifying the full
 23 Documentary and/or other evidentiary basis for any such contention(s), including identifying any and
 24 all possible exhibits and witnesses, and identifying any evidence you have contradicting your
 25 contentions.

26 **RESPONSE TO INTERROGATORY NO. 5:**

27 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that one
 28 of the “core elements of th[e] fundamental right [to marry] is the right of same-sex couples to have

1 their official family relationship accorded the same dignity, respect, and stature as that accorded to all
2 other officially recognized family relationships.” *See In re Marriage Cases*, 183 P.3d at 434. By
3 “reserving the historic and highly respected designation of ‘marriage’ exclusively to opposite-sex
4 couples while offering same-sex couples only the new and unfamiliar designation of domestic
5 partnership,” Prop. 8 communicates the “official view that [same-sex couples’] committed
6 relationships are of lesser stature than the comparable relationships of opposite-sex couples” and
7 impermissibly stamps gay and lesbian individuals—and their children—with a “mark of second-class
8 citizenship.” *See id.* at 402, 434, 445.

9 Documentary evidence Plaintiffs may rely on to demonstrate the lack of dignity and respect
10 accorded gay and lesbian individuals includes, without limitation, the campaign materials,
11 advertisements, and other materials used in the campaign in favor of Prop. 8 by Defendant-
12 Intervenors and their fellow supporters of Prop. 8, as well as other documents that may be produced
13 by Defendant-Intervenors or others in this litigation. Plaintiffs may also seek to admit documents
14 that Plaintiffs’ experts rely upon in forming their opinions (which will be identified at the appropriate
15 time). Potential witnesses will include, in addition to expert witnesses to be identified at the
16 appropriate time, the Plaintiffs, third-party witnesses, the Defendant-Intervenors and other supporters
17 of Prop. 8.

18 **INTERROGATORY NO. 6:**

19 Please identify and describe any contentions you may make as to whether, how, and why, as a
20 result of Proposition 8, the Defendants and/or the State deny social, legal, and/or other benefits to
21 same-sex couples, and/or their children and families, identifying the full Documentary and/or other
22 evidentiary basis for any such contention(s), including identifying any and all possible exhibits and
23 witnesses, and identifying any evidence you have contradicting your contentions.

24 **RESPONSE TO INTERROGATORY NO. 6:**

25 In addition to their General Objections, Plaintiffs object to this Interrogatory on the ground
26 that the terms “social benefits” and “other benefits” are vague and ambiguous. Plaintiffs also object
27 to this Interrogatory on the ground, and to the extent, that it calls for a legal conclusion.

28

1 Subject to these objections, Plaintiffs respond as follows: Plaintiffs contend that one of the
2 “core elements of th[e] fundamental right [to marry] is the right of same-sex couples to have their
3 official family relationship accorded the same dignity, respect, and stature as that accorded to all
4 other officially recognized family relationships.” *See In re Marriage Cases*, 183 P.3d at 434. By
5 “reserving the historic and highly respected designation of ‘marriage’ exclusively to opposite-sex
6 couples while offering same-sex couples only the new and unfamiliar designation of domestic
7 partnership,” Prop. 8 communicates the “official view that [same-sex couples’] committed
8 relationships are of lesser stature than the comparable relationships of opposite-sex couples” and
9 impermissibly stamps gay and lesbian individuals—and their children—with a “mark of second-class
10 citizenship.” *See id.* at 402, 434, 445.

11 While Plaintiffs cannot describe or document every instance of discrimination,
12 embarrassment, and other harm resulting from Prop. 8 and their inability to marry, Plaintiffs refer
13 Defendant-Intervenors to the response to Interrogatory No. 1 for examples. Documentary evidence
14 Plaintiffs may rely on to demonstrate denial of social and other benefits to gay and lesbian
15 individuals includes, without limitation, the campaign materials, advertisements, and other materials
16 used in the campaign in favor of Prop. 8 by Defendant-Intervenors and their fellow supporters of
17 Prop. 8, as well as other documents that may be produced by Defendant-Intervenors or others in this
18 litigation. Plaintiffs may also seek to admit documents that Plaintiffs’ experts rely upon in forming
19 their opinions (which will be identified at the appropriate time). Potential witnesses will include, in
20 addition to expert witnesses to be identified at the appropriate time, the Plaintiffs, third-party
21 witnesses, the Defendant-Intervenors and other supporters of Prop. 8.

22 **INTERROGATORY NO. 7:**

23 Please identify and describe any contentions you may make as to whether, how, and why
24 child-rearing is not optimized by limiting marriage to opposite-sex couples, identifying the full
25 Documentary and/or evidentiary basis for any such contention(s) including identifying any and all
26 possible exhibits and witnesses and identifying any evidence you have contradicting your
27 contention(s).

28

RESPONSE TO INTERROGATORY NO. 7:

1 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that
2 there is no difference between the ability of a same-sex couple to provide a healthy, positive child-
3 rearing environment and the ability of an opposite-sex couple to provide such an environment. The
4 well-being of children is not contingent on the parents' sexual orientation. Excluding same-sex
5 couples from marriage does not advance, and indeed actually harms, the objective of providing an
6 optimal child-rearing environment for all children, including the children of gay and lesbian couples
7 who have been denied the rights and status attendant to civil marriage. Lastly, excluding gay and
8 lesbian individuals from the institution of marriage and relegating them to the separate-but-unequal
9 status of domestic partnership does not prevent same-sex couples from raising children or change the
10 fact that many children in California are raised by same-sex couples. It does, however, change the
11 respect and dignity afforded to those families.
12

13 Documentary evidence Plaintiffs may rely on to demonstrate that there is no difference
14 between the ability of a same-sex couple to provide a healthy, positive child-rearing environment and
15 the ability of an opposite-sex couple of provide such an environment includes, without limitation,
16 documents that may be produced by Plaintiffs, documents relied upon by experts in this matter, as
17 well as other documents that may be produced by Defendant-Intervenors or others in this litigation.
18 Potential witnesses will include, in addition to expert witnesses to be identified at the appropriate
19 time, the Plaintiffs, and third-parties.

INTERROGATORY NO. 8:

21 Please identify and describe any contentions you may make regarding the comparative
22 stability of homosexual relationships versus traditional, opposite-sex married relationships, breaking
23 your contention down where possible by gay men and lesbian women, and identifying the full
24 Documentary and/or other evidentiary basis for any such contention(s), including identifying any and
25 all possible exhibits and witnesses, and any evidence you have contradicting your contention(s).

RESPONSE TO INTERROGATORY NO. 8:

27 In addition to their General Objections, Plaintiffs object to this Interrogatory on the ground
28 that the term "homosexual relationships" is vague and ambiguous.

1 Subject to these objections, Plaintiffs respond as follows: Plaintiffs contend that marriage
2 improves the stability of relationships, whether they be committed same-sex relationships or
3 committed opposite-sex relationships. Marriage gives legally wed spouses access to a host of
4 economic and social benefits and obligations, and serves as a barrier to the dissolution of
5 relationships. The rights and responsibilities of marriage help to improve and ensure the stability of a
6 couple's relationship. Further, many opposite-sex married relationships are unstable for any number
7 of reasons, and indeed less stable than many same-sex relationships.

8 Documentary evidence that Plaintiffs may rely on to demonstrate that marriage improves the
9 stability of relationships includes, without limitation, the campaign materials, advertisements, and
10 other materials used in the campaign in favor of Prop. 8 by Defendant-Intervenors and their fellow
11 supporters of Prop. 8, as well as other documents that may be produced by Defendant-Intervenors or
12 others in this litigation. They may also include documents relied upon by Plaintiffs' experts, which
13 will be identified at the appropriate time. Potential witnesses will include, in addition to expert
14 witnesses to be identified at the appropriate time, the Plaintiffs, third-party witnesses, the Defendant-
15 Intervenors and other supporters of Prop. 8.

16 **INTERROGATORY NO. 9:**

17 Please identify and describe any contentions you may make regarding the number of
18 1) homosexual persons in the United States, 2) the number of homosexual persons in California,
19 3) the number of homosexual parents in the United States, 4) the number of homosexual parents in
20 California, 5) the number of homosexual persons in the United States in committed, long-term
21 relationships; and 6) the number of homosexual persons in California in committed, long-term
22 relationships, breaking your contentions down, where possible by gay men and lesbian women and
23 identifying the full Documentary and/or other evidentiary basis for any such contention(s), including
24 identifying any and all possible exhibits and witnesses, and any evidence you have contradicting your
25 contention(s).

26 **RESPONSE TO INTERROGATORY NO. 9:**

27 In addition to their General Objections, Plaintiffs objects to this Interrogatory to the extent
28 that it seeks information not relevant to the subject matter of this action and not reasonably calculated

1 to lead to the discovery of admissible evidence. Plaintiffs further object to this Interrogatory on the
2 grounds it is overly broad and unduly burdensome. Plaintiffs further object to this Interrogatory to
3 the extent that the information requested is not within Plaintiffs' knowledge and the inquiry is
4 properly directed at other parties.

5 Subject to these objections, Plaintiffs respond as follows: The information sought in this
6 Interrogatory is expected to be the subject of expert evidence and is therefore premature. Plaintiffs
7 will supplement their response as appropriate and required by the Scheduling Order set forth by
8 the Court.

9 **INTERROGATORY NO. 10:**

10 Please identify and describe any contentions you may make as to whether, how, and why, as a
11 result of Proposition 8, it is less likely gays and lesbians will formalize their relationships, including
12 any contentions you may have as to whether, how, and why same-sex couples are significantly less
13 likely to enter into domestic partnerships than to enter into marriages, identifying the full
14 Documentary and/or other evidentiary basis for any such contention(s), including identifying any and
15 all possible exhibits and witnesses, and identifying any evidence you have contradicting your
16 contentions.

17 **RESPONSE TO INTERROGATORY NO. 10:**

18 In addition to their General Objections, Plaintiffs object to this Interrogatory on the ground
19 that the phrase "formalize their relationships" is vague and ambiguous.

20 Subject to these objections, Plaintiffs respond as follows: Plaintiffs contend that the separate
21 institutions of civil marriage for opposite-sex couples and domestic partnership for same-sex couples
22 are inherently unequal and thus, same-sex couples are significantly less likely to enter into domestic
23 partnerships than to enter into marriages. One of the "core elements of th[e] fundamental right [to
24 marry] is the right of same-sex couples to have their official family relationship accorded the same
25 dignity, respect, and stature as that accorded to all other officially recognized family relationships."
26 *See In re Marriage Cases*, 183 P.3d at 434. By "reserving the historic and highly respected
27 designation of 'marriage' exclusively to opposite-sex couples while offering same-sex couples only
28 the new and unfamiliar designation of domestic partnership," Prop. 8 communicates the "official

1 view that [same-sex couples'] committed relationships are of lesser stature than the comparable
 2 relationships of opposite-sex couples” and impermissibly stamps gay and lesbian individuals—and
 3 their children—with a “mark of second-class citizenship.” *See id.* at 402, 434, 445.

4 Documentary evidence Plaintiffs may rely on to demonstrate that gay and lesbian individuals
 5 desire the same recognition of their committed relationships that opposite-sex couples enjoy through
 6 marriage includes, without limitation, documents that Plaintiffs may produce or that Plaintiffs’
 7 experts may rely upon in forming their opinions, as well as other documents that may be produced by
 8 Defendant-Intervenors or others in this litigation. Potential witnesses will include, in addition to
 9 expert witnesses to be identified at the appropriate time, the Plaintiffs and third-party witnesses.

10 **INTERROGATORY NO. 11:**

11 Please identify any and all distinct contentions you may make to the effect that sexual
 12 orientation is immutable, identifying the full Documentary and/or other evidentiary basis for any such
 13 contention(s), including identifying any and all possible exhibits and witnesses and identifying any
 14 evidence you have contradicting your contention(s).

15 **RESPONSE TO INTERROGATORY NO. 11:**

16 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that the
 17 Ninth Circuit has concluded that “[s]exual orientation and sexual identity are immutable,” and that
 18 “[h]omosexuality is as deeply ingrained as heterosexuality.” *Hernandez-Montiel v. INS*, 225 F.3d
 19 1084, 1093 (9th Cir. 2000) (internal quotation marks omitted). Furthermore, because sexual
 20 orientation is “so fundamental to one’s identity,” a “person should not be required to abandon” it in
 21 order to secure access to fundamental rights that the Constitution guarantees to all persons. *Id.*

22 Documentary evidence Plaintiffs may rely on to demonstrate that sexual orientation and
 23 sexual identity are immutable includes, without limitation, documents that Plaintiffs’ experts may
 24 rely upon in forming their opinions. Potential witnesses include, in addition to expert witnesses to be
 25 identified at the appropriate time, the Plaintiffs and third-party witnesses.

26 **INTERROGATORY NO. 12:**

27 Please identify and describe any contentions you may make as to whether, how, and why gays
 28 and lesbians lack political power, including any contentions you may have as to whether, how, and

1 why gays and lesbians cannot protect their rights through the political process, identifying the full
2 Documentary and/or other evidentiary basis for any such contention(s), including identifying any and
3 all possible exhibits and witnesses and identifying any evidence you have contradicting your
4 contention(s).

5 **RESPONSE TO INTERROGATORY NO. 12:**

6 In addition to their General Objections, Plaintiffs object to this Interrogatory on the ground
7 that the term “political power” as used in this interrogatory is vague and ambiguous. Plaintiffs
8 further object to this interrogatory to the extent it calls for a legal conclusion.

9 Subject to these objections, Plaintiffs respond as follows: Plaintiffs contend that gay and
10 lesbian individuals possess less political power than other groups that are afforded the protection of
11 suspect or quasi-suspect status under the Equal Protection Clause, including African-Americans and
12 women. Indeed, of the more than half million people who hold political office at the local, state, and
13 national levels in this country, fewer than 300 are openly gay. *Kerrigan v. Comm’r of Pub. Health*,
14 957 A.2d 407, 446 (Conn. 2008). No openly gay person has ever served in the United States Cabinet,
15 on any federal court of appeals, or in the United States Senate. *Id.* at 447. In contrast, African-
16 Americans have served as President of the United States, Attorney General, and Secretary of State, as
17 well as in the United States Senate, and on the U.S. Supreme Court. Similarly, women currently head
18 the Departments of State, Homeland Security, and Labor, and the 111th Congress includes seventeen
19 female Senators and seventy-eight female representatives. *See* Congressional Research Service,
20 *Membership of the 111th Congress: A Profile* 5 (2008).

21 Congress has passed no law affording protection from discrimination on the basis of sexual
22 orientation. Instead, there are two major federal laws that explicitly discriminate against gay and
23 lesbian individuals: Don’t Ask, Don’t Tell and the Defense of Marriage Act (“DOMA”). There are
24 no similar such laws discriminating against racial and ethnic minorities or women. There is no hate
25 crimes legislation at the federal level that includes gay and lesbian individuals, and no federal
26 legislation that prohibits discrimination against them in employment, housing, education or public
27 accommodations. A majority of states lack statewide legislation prohibiting discrimination on the
28 basis of sexual orientation in employment, housing, education or public accommodations. A majority

1 of states contain explicitly discriminatory laws prohibiting marriage, and in some instances, any kind
2 of relationship recognition for same-sex couples. Gay and lesbian individuals have faced a barrage of
3 anti-gay initiatives and referenda that far exceed in number and frequency the use of such measures
4 to target any other unpopular groups. While comparisons among types of discrimination must be
5 made cautiously, it is apparent that gay and lesbian individuals have not yet come close to making the
6 great political strides accomplished by other groups subject to similar histories of discrimination in
7 this country.

8 Documentary evidence Plaintiffs may rely on to demonstrate that gay and lesbian individuals
9 possess less political power than other groups that are afforded the protection of suspect or quasi-
10 suspect status under the Equal Protection Class includes, without limitation, documents that
11 Plaintiffs' experts may rely upon in forming their opinions; as well as other documents that may be
12 produced by Defendant-Intervenors or others in this litigation. Potential witnesses include, in
13 addition to expert witnesses to be identified at the appropriate time, the Plaintiffs and third-party
14 witnesses.

15 **INTERROGATORY NO. 13:**

16 Please identify and describe any contentions you may make as to whether, how, and why the
17 definition of marriage has evolved over time, identifying the full Documentary and/or evidentiary
18 basis for any such contention(s) including identifying any and all possible exhibits and witnesses and
19 identifying any evidence you have contradicting your contention(s).

20 **RESPONSE TO INTERROGATORY NO. 13:**

21 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that
22 marriage is not a static institution, but rather has evolved over time. Indeed, marriage has been a
23 successful civil institution precisely because it has been flexible. For example, race-based restrictions
24 on marriage were common until the Supreme Court declared such restrictions unconstitutional in
25 *Loving v. Virginia*, 388 U.S. 1 (1967). More recently, several states, including California, have
26 recognized gay and lesbian individuals' right to marry. In California alone there are 18,000 same-sex
27 married couples.

28

1 Documentary evidence Plaintiffs may rely on to demonstrate that marriage is not a static
2 institution includes, without limitation, documents that Plaintiffs' experts may rely upon in forming
3 their opinions. Potential witnesses include expert witnesses to be identified at the appropriate time.
4 Other third-parties may also testify.

5 **INTERROGATORY NO. 14:**

6 Please identify and describe any contentions you may make as to whether, how, and why
7 same-sex marriage would not destabilize the marriages of opposite-sex couples, identifying the full
8 Documentary and/or evidentiary basis for any such contention(s) including identifying any and all
9 possible exhibits and witnesses and identifying any evidence you have contradicting your
10 contention(s).

11 **RESPONSE TO INTERROGATORY NO. 14:**

12 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that
13 there is no reputable evidence suggesting that the exclusion of same-sex couples from marriage
14 increases the stability of opposite-sex marriage or that including same-sex couples destabilizes
15 opposite-sex marriages.

16 Documentary evidence Plaintiffs may rely on to demonstrate that exclusion of same-sex
17 couples from marriage does not increase the stability of opposite-sex marriage includes, without
18 limitation, documents that Plaintiffs' experts may rely upon in forming their opinions. Potential
19 witnesses include expert witnesses to be identified at the appropriate time. Other third-parties may
20 also testify.

21 **INTERROGATORY NO. 15:**

22 Please identify and describe any contentions you may make as to whether, how, and why gay
23 and lesbian individuals have suffered persecution, and/or purposeful and invidious discrimination that
24 continues to this day, identifying the full Documentary and/or evidentiary basis for any such
25 contention(s) including identifying any and all possible exhibits and witnesses and identifying any
26 evidence you have contradicting your contention(s).

RESPONSE TO INTERROGATORY NO. 15:

1
2 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that gay
3 and lesbian individuals have suffered persecution and purposeful and invidious discrimination that
4 continues to this day, and that Proposition 8 itself is an example of how gay and lesbian individuals
5 have suffered persecution, and purposeful and invidious discrimination that continues to this day.
6 The widespread discrimination faced by gay and lesbian individuals has been historically unique and
7 unprecedented. There are far too many examples of persecution and purposeful and invidious
8 discrimination to list them here. For example, gays and lesbians have been executed for being
9 homosexual, classified as mental degenerates, targeted by police, discriminated against in the
10 workplace, censored, demonized as child molesters, excluded from the United States military,
11 arrested for engaging in private sexual relations, and, as evident in this case, had their state
12 constitutional rights stripped away by popular vote.

13 Documentary evidence Plaintiffs may rely on to demonstrate that gay and lesbian individuals
14 have suffered persecution includes, without limitation, documents that Plaintiffs' experts may rely
15 upon in forming their opinions. Potential witnesses will include, in addition to expert witnesses to be
16 identified at the appropriate time, the Plaintiffs, third-party witnesses, the Defendant-Intervenors and
17 other supporters of Prop. 8.

INTERROGATORY NO. 16:

19 Please identify and describe what you contend to be the appropriate definition of "sexual
20 orientation," identifying the full Documentary and/or evidentiary basis supporting the use of your
21 suggested definition, and identifying any evidence you have contradicting your suggested definition.

RESPONSE TO INTERROGATORY NO. 16:

23 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that
24 "sexual orientation" refers to an enduring pattern or disposition to experience sexual, affectional, or
25 romantic desires for and attractions to men, women, or both sexes. The term is also used to refer to
26 an individual's sense of personal and social identity based on those desires and attractions, behaviors
27 expressing them, and membership in a community of others who share them.

28

1 Documentary evidence Plaintiffs may rely on to support the definition of sexual orientation
 2 includes documents that Plaintiffs' experts may rely upon in forming their opinions. Potential
 3 witnesses include, in addition to expert witnesses to be identified at the appropriate time, the
 4 Plaintiffs and third-party witnesses.

5 **INTERROGATORY NO. 17:**

6 Please identify and describe any contentions you may make as to whether, how, and why, as a
 7 result of Proposition 8, Plaintiff-Intervenor, the Defendants, and/or the State are promoting
 8 stereotypical gender roles, identifying the full Documentary and/or evidentiary basis for any such
 9 contention(s) including identifying any and all possible exhibits and witnesses, and identifying any
 10 evidence you have contradicting your contention(s).

11 **RESPONSE TO INTERROGATORY NO. 17:**

12 Subject to their General Objections, Plaintiffs respond as follows: Plaintiffs contend that to
 13 the extent Defendant-Intervenors and other supporters of Prop. 8 have stated and continue to state
 14 that the optimal parents or optimal family consists of a mother, a father, and their children, such
 15 statements are based on and designed to promote gender-based stereotypes about the roles mothers
 16 and fathers are supposed to play in raising children. Similarly, to the extent Defendant-Intervenors
 17 and other supporters of Prop. 8 have stated and continue to state that same-sex couples are not
 18 optimal parents, such assertions are based on and designed to promote the idea that women play
 19 distinct, prescribed roles in raising children that cannot or should not be performed by men and vice
 20 versa. Likewise, to the extent Defendant-Intervenors and other supporters of Prop. 8 have stated and
 21 continue to state that "traditional" marriage is better or needs protection, or that retaining the
 22 opposite-sex definition of marriage is justified by "tradition," such assertions are based, at least in
 23 part, on the idea that women can and should play distinct roles in the marital relationship and/or in
 24 raising children that cannot be performed by men and vice versa.

25 **INTERROGATORY NO. 18:**

26 Please identify and describe any contention you may make as to whether, how, and why,
 27 Proposition 8 hurts the State of California financially, identifying the full Documentary and/or
 28

1 evidentiary basis for any such contention(s) including identifying any and all possible exhibits and
2 witnesses, and identifying any evidence you have contradicting your contention(s).

3 **RESPONSE TO INTERROGATORY NO. 18:**

4 In addition to their General Objections, Plaintiffs object to this interrogatory on the grounds
5 that the information requested is not within Plaintiffs' knowledge and the inquiry is properly directed
6 at other parties.

7 DATED: September 16, 2009

GIBSON, DUNN & CRUTCHER LLP

8

9

By: /s/Ethan D. Dettmer
Ethan D. Dettmer

10

and

11

BOIES, SCHILLER & FLEXNER LLP

12

David Boies

13

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

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ATTACHMENT A

KRISTIN M. PERRY

1
2
3 1. Having been denied access to the institution of civil marriage that most other
4 Californians have, and instead being relegated to second-class status, has caused me humiliation,
5 emotional distress, pain, suffering, psychological harm, and stigma.

6 2. People view marriage as a sign of stability and commitment. My relationship with
7 Sandy is not as valued by some of my friends, family, and community because we are not married.
8 Introducing Sandy as my “partner” or “girlfriend” is confusing to others, painful to me and Sandy
9 and, in a very real sense, wrong, because it does not express proper respect to Sandy, nor does it
10 express the importance of our commitment to one another. People who are told we are “domestic
11 partners” or “girlfriends” are unable to appreciate our profound commitment to one another and the
12 validity of our relationship, as they would if they were told that we were married.

13 3. My family does not treat Sandy like they treat other in-laws. Although I believe they
14 respect her, she is not as accepted or welcomed as my family’s opposite-sex spouses.

15 4. Because we are not married, Sandy and I do not have a wedding anniversary date to
16 celebrate. Instead, we celebrate various milestones in our relationship but never our “anniversary,”
17 like every married couple enjoys. Our friends and family do not have a date that they can celebrate
18 our relationship along with us, as they do for friends and family who are married.

19 5. On May 21, 2009, Sandy and I attempted to get a marriage license from the Alameda
20 County Clerk-Registrar, but were denied because we are a same-sex couple. The experience was
21 embarrassing and painful for us because we were so clearly being treated differently from opposite-
22 sex couples. In fact, at the same time the clerk was explaining to us that we could not get married
23 because we are both women, opposite-sex couples next to us were getting marriage certificates
24 without any delay or difficulty.

25 6. Hearing of my straight friends’ weddings and anniversaries is a painful experience.
26 Sandy and I desire our own legally recognized wedding but are denied that fundamental right. We
27 are happy for our friends, but just the same, are constantly reminded of what we are wrongfully
28 denied by Proposition 8.

1 7. Being asked “What does your husband do?” when people notice my ring is
2 embarrassing and painful because it is a reminder of the fact that California does not recognize the
3 importance of the relationship that I have with the person I love.

4 8. Being asked “Are you married?” is embarrassing and painful because we cannot get
5 married, and the question brings that fact home. For the same reason, explaining why I am not
6 married is difficult and painful—I am forced to confront and articulate that the State does not value
7 my relationship with Sandy.

8 9. Being asked whether we are sisters in the context of situations where a spouse should
9 be present (for example, the hospital) is embarrassing and painful because it reminds me of the fact
10 that we cannot be married in California and because it reminds me of the vulnerability of our
11 relationship because we can’t be married. It reminds me that, if Sandy or I should be in an accident
12 or become seriously ill, hospitals and other caregivers could prevent us from having the ability to
13 protect and care for each other simply because we are not legally married.

14 10. Although Sandy and I are registered domestic partners, we are not treated equally with
15 our heterosexual peers. At times, I have had to show my official domestic partnership registration to
16 get benefits, where straight couples did not have to show their marriage licenses. In fact, getting the
17 domestic partnership registration materials in the first place is a far more difficult, onerous and
18 expensive process than getting a marriage license and getting married. Sandy and I have spent
19 thousands of dollars paying lawyers to help us with matters, such as a “domestic partner
20 co-ownership agreement,” that a married couple would never have to get.

21 11. Having to create an elaborate estate plan because the law does not recognize our
22 relationship is an expensive burden that is embarrassing and painful because it is a stark reminder of
23 our second-class citizenship.

24 12. When checking-in to hotel rooms, the front-desk clerks often do not acknowledge that
25 Sandy and I are a couple. They look and act uncomfortable about giving us a room with a single bed
26 and ask multiple times if we really want a single room with a single bed. If our relationship was
27 recognized as a “marriage” by the State of California, I believe that we would not experience this
28 treatment. At the very least, knowing that our relationship was honored by the State of California as

1 “marriage,” and being able to explain to the clerks that we are married, would give us a much greater
2 sense of security and minimize the embarrassment and humiliation of having to justify our
3 relationship to strangers.

4 13. Having to fill-out forms that require information from a “husband” and wife,” such as
5 medical history forms and parental permission slips, is embarrassing and painful because it is a
6 reminder that we cannot be married in California.

7 14. I cannot access shared accounts that are held in just one of our names, such as our
8 power or water accounts. If I were married to Sandy I could easily access the account and make
9 decisions for the family.

10 15. In a business setting, I struggle with whether I should bring Sandy with me and when I
11 do, how I should introduce her. When Sandy accompanies to me to a work event, I fear that the focus
12 becomes my “gay relationship” and not my work. I have to make tactical decisions every time my
13 “spouse” is invited to a client event, meeting, speech, or even holiday party. Proposition 8’s official
14 disapproval of my relationship with Sandy creates this difficulty and embarrassment. If we were
15 married, and our relationship had the state-sanctioned privilege and approval of marriage, this would
16 not be the difficult and painful experience that it is.

17 16. Communicating to our child’s teacher about our relationship is difficult because we
18 are not married. I fear that my children will be treated differently if the teacher knows that we are in
19 a same-sex relationship, but we would not be treated differently if we were married and California
20 recognized that marriage.

21 17. As a result of our domestic partnership, Sandy and I have additional expenses and
22 burdens associated with our state and federal income tax filings. If we were married, our tax
23 preparer’s fees would be significantly reduced and the process for filing taxes would be simplified.

24 18. Sandy and I fear traveling to other states because they do not recognize our
25 relationship. For example, if Sandy or I needed to be hospitalized while in another state, we would
26 not have any right to visit one another in the hospital. I believe that, if we were married, such fears
27 would be much less disturbing, because being able to explain to people that we are married, and
28

1 knowing that our marriage was recognized by California, would cause people to afford us more
2 respect and make them more likely to recognize our relationship as a marriage like any other.

3 19. When Sandy and I go shopping together, the sales personnel do not know who to
4 address. They don't see us as a married couple, but rather as a customer and her friend. If we and
5 other same-sex couples could be married, we would be much less likely to be treated as something
6 different and less than the loving and devoted couple that we are, and much more like any other
7 loving and devoted couple.

8 20. When Sandy and I attend parties thrown by our straight friends we feel reluctant to
9 dance because of the looks we receive; married couples are not treated the same way. On one
10 occasion, we were at a country music night club and restaurant in Bakersfield, California and started
11 to dance together. Because of the uncomfortable looks we received, we immediately stopped dancing
12 together. If we could be legally married, I believe we would be more accepted by society as a couple
13 and would feel less intimidated about being ourselves in public.

14 21. Sandy and I have attended high school reunions separately because we are fearful of
15 how people are going to react to our relationship. If we were married, we would feel very differently
16 about attending these events because our relationship would be officially approved by the State.

17 22. Sandy and I are fearful to simply hold hands in public because of how people will
18 react. We have been yelled at by strangers just for holding hands in public, and it is frightening and
19 intimidating. If we were married, we would feel much more secure in this simple and ordinary
20 gesture of affection and solidarity because our relationship would be recognized by the State as equal
21 to other peoples' relationships.

22 23. Sandy's nieces and nephews do not refer to me as their aunt because I am not married
23 to Sandy. On two occasions, most recently the summer 2008, they used the term "Miss Kris." If we
24 were married, I would clearly be their aunt and they would refer to me as their aunt, instead of
25 making up awkward and uncomfortable substitute names.

26 24. Because Sandy and I are not married, there isn't a good word to describe our blended
27 family. We awkwardly use "stepson" or "stepmother" but feel it is off limits since we are not
28

1 married. Not having the language to describe our family and refer to one another causes us pain and
2 embarrassment.

3 25. The passage of Prop. 8 brought back painful memories of the invalidation of our 2004
4 marriage when the California Supreme Court, prior to its decision in *In re Marriage Cases*, held that
5 marriages conducted earlier that year were void.

6 26. The Yes on Prop. 8 advertisements and campaign literature were painful and caused
7 me distress given that they sought to portray our family as less than equal and a threat to all families.

8 27. When Sandy and I had our wedding ceremony in 2004, we gave my parents our
9 wedding photo as a gift. Later, when I visited my parents, I found the photo hidden away in a sewing
10 closet. If our marriage were recognized by the State I believe my parents would not be embarrassed
11 of my relationship with Sandy and would display our photo.

12 28. On multiple occasions when I have visited my doctors' offices, they have not been
13 able to locate Sandy's medical insurance information on their respective computer systems. The
14 office clerks sometimes do not understand what domestic partners are and why Sandy is covered
15 under my plan. I have been shocked and embarrassed when the clerks have proceeded to loudly state
16 in the waiting room "who is she?" (meaning "what is your relationship to Sandy?") and have
17 demanded to know why she should be covered under my insurance. If I could have simply told these
18 clerks that we were "married," this would not have happened.

19 29. Every year my family celebrates a family reunion. No one knows what to call Sandy
20 or how to treat her. We take a picture every year of all the family members and of all those who
21 married into the family. Because we are not married, we and other members of the family are
22 confused and awkward as to whether Sandy should be included in the picture. If Sandy and I were
23 married, it would be very clear to everyone that she should be included in this family event just like
24 all of the married people in our family.

25 30. Sandy's family does not acknowledge me as a member of their family. I do not feel
26 warmly welcomed at family events or annual visits. I believe that, if we were married, it would be
27 easier for members of Sandy's family to include and welcome me.

28 ///

1 SANDRA B. STIER

2 31. Having been denied access to the institution of civil marriage that most other
3 Californians have, and instead being relegated to second-class status, has caused me humiliation,
4 emotional distress, pain, suffering, psychological harm, and stigma.

5 32. People view marriage as a sign of stability and commitment. My relationship with
6 Kris is not as valued by some of my friends, family, and community because we are not married.
7 Introducing Kris as my “partner” or “girlfriend” is confusing to others, painful to me and Kris and, in
8 a very real sense, wrong, because it does not express proper respect to Kris, nor does it express the
9 importance of our commitment to one another. People who are told we are “domestic partners” or
10 “girlfriends” are unable to appreciate our profound commitment to one another and the validity of our
11 relationship, as they would if they were told that we were married.

12 33. When Kris asked me to marry her in 2004, before gay marriages were performed in
13 San Francisco, I answered “Yes. . . What does that mean?” It is terribly painful to me that such a
14 special event was marred by the fact that the State does not allow us to express our relationship in this
15 most meaningful and commonly-shared way.

16 34. When Kris and I had our wedding ceremony in 2004, we gave my parents our
17 wedding photo as a gift. Later, when I visited my parents, I found the photo hidden away in a bureau.
18 This was especially painful given that my parents display photos of my siblings’ opposite-sex
19 relationships prominently in their home. If our marriage were recognized by the State I believe my
20 parents would not be embarrassed of my relationship with Kris and would display our photo.

21 35. On one occasion, I asked one of my nephews if he would call Kris “Aunt Kris.” He
22 told me he wouldn’t because “you are not married. Two girls can’t get married.”

23 36. At my parents’ 50th anniversary celebration, which all of my family members
24 attended but that Kris was not invited to attend, my family performed a ceremony where they
25 acknowledged everyone’s husband and wife. My relationship from Kris was deliberately excluded
26 from that ceremony so as “not to upset mom and dad.” If we were married, I don’t believe that Kris
27 and I would have been excluded from acknowledgement at this family event.

28

1 37. When we were married in 2004, my parents, and several other close members of my
2 family, did not come to the wedding. If it had been a “legitimate” wedding, I believe they would
3 have come.

4 38. As a recent example, on September 11, 2009, I attended a 10-year wedding
5 anniversary party for an opposite-sex couple, where they renewed their vows. They proclaimed that
6 their marriage had been the most joyous experience of their lives and recalled that their wedding day
7 was the best day of their lives. They told their guests that they were honored to be husband and wife.
8 It felt embarrassed and hurt. It was a vivid reminder of what Kris and I are denied – our right to
9 marry the person we love.

10 39. As a way to get to know one another, I am frequently asked by people I have just met
11 if I am married and have children. While I wear a wedding band and have a committed relationship
12 and legal domestic partnership with Kris, I cannot simply answer that question “yes” because I am
13 not married and instead, find myself worrying about the comfort level of the individual with whom
14 I’m speaking—will they understand and/or accept my same-sex relationship?

15 40. My family does not treat Kris like they treat other in-laws. Although I believe they
16 respect her, she is not as accepted or welcomed as my family’s opposite-sex spouses.

17 41. Because we are not married, Kris and I do not have a wedding anniversary date to
18 celebrate. Instead, we celebrate various milestones in our relationship but never our “anniversary,”
19 like every married couple enjoys. Our friends and family do not have a date that they can celebrate
20 our relationship along with us, as they do for friends and family who are married.

21 42. On May 21, 2009, Kris and I attempted to get a marriage license from the Alameda
22 County Clerk-Registrar, but were denied because we are a same-sex couple. The experience was
23 embarrassing and painful for us because we were so clearly being treated differently from opposite-
24 sex couples. In fact, at the same time the clerk was explaining to us that we could not get married
25 because we are both women, opposite-sex couples next to us were getting marriage certificates
26 without any delay or difficulty.

27 43. Hearing of my straight friends’ weddings and anniversaries is a painful experience.
28 Kris and I desire our own legally recognized wedding but are denied that fundamental right. We are

1 happy for our friends, but just the same, are constantly reminded of what we are wrongfully denied
2 by Proposition 8.

3 44. Being asked “What does your husband do?” when people notice my ring is
4 embarrassing and painful because it is a reminder of the fact that California does not recognize the
5 importance of the relationship that I have with the person I love.

6 45. Being asked “Are you married?” is embarrassing and painful because we cannot get
7 married, and the question brings that fact home. For the same reason, explaining why I am not
8 married is difficult and painful—I am forced to confront and articulate that the State does not value
9 my relationship with Kris.

10 46. For example, in March 2009, I met with a high school college counselor to seek advice
11 on college admissions and loans. The counselor asked “are you married?” I answered “yes, but not
12 legally.” The college counselor apologized for the question; but I felt embarrassed for both of us.

13 47. Being asked whether we are sisters in the context of situations where a spouse should
14 be present (for example, the hospital) is embarrassing and painful because it reminds me of the fact
15 that we cannot be married in California and because it reminds me of the vulnerability of our
16 relationship because we can’t be married. It reminds me that, if Kris or I should be in an accident or
17 become seriously ill, hospitals and other caregivers could prevent us from having the ability to
18 protect and care for each other simply because we are not legally married.

19 48. Although Kris and I are registered domestic partners, we are not treated equally with
20 our heterosexual peers. At times, I have had to show my official domestic partnership registration to
21 get benefits, where straight couples did not have to show their marriage licenses. In fact, getting the
22 domestic partnership registration materials in the first place is a far more difficult, onerous and
23 expensive process than getting a marriage license and getting married. Kris and I have spent
24 thousands of dollars paying lawyers to help us with matters, such as a “domestic partner
25 co-ownership agreement,” that a married couple would never have to get.

26 49. Having to create an elaborate estate plan because the law does not recognize our
27 relationship is an expensive burden that is embarrassing and painful because it is a stark reminder of
28 our second-class citizenship.

1 50. When checking-in to hotel rooms, the front-desk clerks often do not acknowledge that
2 Kris and I are a couple. They look and act uncomfortable about giving us a room with a single bed
3 and ask multiple times if we really want a single room with a single bed. If our relationship was
4 recognized as a “marriage” by the State of California, I believe that we would not experience this
5 treatment. At the very least, knowing that our relationship was honored by the State of California as
6 “marriage,” and being able to explain to the clerks that we are married, would give us a much greater
7 sense of security and minimize the embarrassment and humiliation of having to justify our
8 relationship to strangers.

9 51. Having to fill-out forms that require information from a “husband” and wife,” such as
10 medical history forms and parental permission slips, is embarrassing and painful because it is a
11 reminder that we cannot be married in California.

12 52. I cannot access shared accounts that are held in just one of our names, such as our
13 power or water accounts. If I were married to Kris I could easily access the account and make
14 decisions for the family.

15 53. In a business setting, I struggle with whether I should bring Kris with me and when I
16 do, how I should introduce her. When Kris accompanies to me to a work event, I fear that the focus
17 becomes my “gay relationship” and not my work. I have to make tactical decisions every time my
18 “spouse” is invited to a client event, meeting, speech, or even holiday party. Proposition 8’s official
19 disapproval of my relationship with Kris creates this difficulty and embarrassment. If we were
20 married, and our relationship had the state-sanctioned privilege and approval of marriage, this would
21 not be the difficult and painful experience that it is.

22 54. Communicating to our child’s teacher about our relationship is difficult because we
23 are not married. I fear that my children will be treated differently if the teacher knows that we are in
24 a same-sex relationship, but we would not be treated differently if we were married and California
25 recognized that marriage.

26 55. As a result of our domestic partnership, Kris and I have additional expenses and
27 burdens associated with our state and federal income tax filings. If we were married, our tax
28 preparer’s fees would be significantly reduced and the process for filing taxes would be simplified.

1 56. Kris and I fear traveling to other states because they do not recognize our relationship.
2 For example, if Kris or I needed to be hospitalized while in another state, we would not have any
3 right to visit one another in the hospital. I believe that, if we were married, such fears would be much
4 less disturbing, because being able to explain to people that we are married, and knowing that our
5 marriage was recognized by California, would cause people to afford us more respect and make them
6 more likely to recognize our relationship as a marriage like any other.

7 57. When Kris and I go shopping together, the sales personnel do not know who to
8 address. They don't see us as a married couple, but rather as a customer and her friend. If we and
9 other same-sex couples could be married, we would be much less likely to be treated as something
10 different and less than the loving and devoted couple that we are, and much more like any other
11 loving and devoted couple.

12 58. When Kris and I attend parties thrown by our straight friends we feel reluctant to
13 dance because of the looks we receive; married couples are not treated the same way. On one
14 occasion, we were at a country music night club and restaurant in Bakersfield, California and started
15 to dance together. Because of the uncomfortable looks we received, we immediately stopped dancing
16 together. If we could be legally married, I believe we would be more accepted by society as a couple
17 and would feel less intimidated about being ourselves in public.

18 59. Kris and I have attended high school reunions separately because we are fearful of
19 how people are going to react to our relationship. If we were married, we would feel very differently
20 about attending these events because our relationship would be officially approved by the State.

21 60. Kris and I are fearful to simply hold hands in public because of how people will react.
22 We have been yelled at by strangers just for holding hands in public, and it is frightening and
23 intimidating. If we were married, we would feel much more secure in this simple and ordinary
24 gesture of affection and solidarity because our relationship would be recognized by the State as equal
25 to other peoples' relationships.

26 61. My nieces and nephews do not refer to Kris as their aunt because I am not married to
27 Kris. On two occasions, most recently the summer 2008, they used the term "Miss Kris." If we were
28

1 married, Kris would clearly be their aunt and they would refer to her as their aunt, instead of making
2 up awkward and uncomfortable substitute names.

3 62. Because Kris and I are not married, there isn't a good word to describe our blended
4 family. We awkwardly use "stepson" or "stepmother" but feel it is off limits since we are not
5 married. Not having the language to describe our family and refer to one another causes us pain and
6 embarrassment.

7 63. The passage of Prop. 8 brought back painful memories of the invalidation of our 2004
8 marriage when the California Supreme Court, prior to its decision in *In re Marriage Cases*, held that
9 marriages conducted earlier that year were void.

10 64. The Yes on Prop. 8 advertisements and campaign literature were painful and caused
11 me distress given that they sought to portray our family as less than equal and a threat to all families.

12 65. During the campaign against Prop. 8, I stood on a street corner at a rally in Oakland
13 and held a sign against Prop. 8. I was told by a Yes on 8 supporter who went by that if I married Kris
14 it would be like me marrying a dog.

15 PAUL T. KATAMI

16 66. Having been denied access to the institution of civil marriage that most other
17 Californians have, and instead being relegated to second-class status, has caused me humiliation,
18 emotional distress, pain, suffering, psychological harm, and stigma.

19 67. People view marriage as a sign of stability and commitment. My relationship with
20 Jeff is not as valued by some of my friends, family, and community because we are not married.
21 Introducing Jeff as my "partner" or "boyfriend" is confusing to others, painful to me and Jeff and, in
22 a very real sense, wrong, because it does not express proper respect to Jeff, nor does it express the
23 importance of our commitment to one another. People who are told we are "domestic partners" or
24 "boyfriends" are unable to appreciate our profound commitment to one another and the validity of
25 our relationship, as they would if they were told that we were married.

26 68. On May 20, 2009, Jeff and I attempted to get a marriage license from the Los Angeles
27 County Clerk, but were denied because we are a same-sex couple. The experience was embarrassing
28 and painful for us because we were so clearly being treated differently from opposite-sex couples. In

1 fact, at the same time the clerk was explaining to us that we could not get married because we are
2 both men, opposite-sex couples next to us were getting marriage certificates without any delay,
3 difficulty, or questioning.

4 69. A member of my immediate family has harassed, disparaged and threatened me as a
5 result of my relationship with Jeff. When I asked him why he did not support our relationship he told
6 me “because it’s not natural.” If Jeff and I were married, and the State of California recognized and
7 honored our relationship like any other one, I believe my family member would be much more likely
8 to accept us for what we are—a loving and devoted couple like any other, and not harbor this
9 irrational anger and fear about us.

10 70. Because of this experience with my family member, at times, I fear that I will be
11 physically harmed because I am not in an opposite-sex relationship. Before going to an unfamiliar
12 location or even before getting into my own car, I look around to make sure I have not been followed.
13 I believe that if the State recognized my relationship with Jeff and granted us marriage, then more
14 and more people would recognize that we are a loving and devoted couple like any other loving and
15 devoted couple. Fewer and fewer people would feel the irrational fear and hate of same-sex couples
16 that some now do, and Jeff, me, and other same-sex couples would have much less reason to fear for
17 our safety.

18 71. Members of my family are ashamed of and angered by my relationship with Jeff.
19 I have even been asked to change my last name so that people do not associate me with the Katami
20 family. No one has ever asked a family member in an opposite-sex relationship to change his or her
21 last name. I believe Proposition 8’s official condemnation of same-sex relationships has given my
22 family reason to be ashamed of and angered by my relationship with Jeff.

23 72. Because Proposition 8 officially sanctioned discrimination, fear, and hatred against
24 gay and lesbian individuals, members of my family believe that they can lose their jobs if their
25 employers learn about my relationship with Jeff. It is painful to think that my family believes that my
26 love for Jeff will cost them their livelihoods. If I had the right to marry the person I love, and if the
27 State recognized and honored my relationship with Jeff, my family would not shoulder this fear.

28

1 73. Because we are not married, Jeff and I do not have a wedding anniversary date to
2 celebrate. Instead, we celebrate various milestones in our relationship but never our “anniversary,”
3 like every married couple enjoys. Our friends and family do not have a date that they can celebrate
4 our relationship along with us, as they do for friends and family who are married.

5 74. Hearing of my straight friends’ weddings and anniversaries is a painful experience.
6 Jeff and I desire our own legally recognized wedding but are denied that fundamental right. We are
7 happy for our friends, but just the same, are constantly reminded of what we are wrongfully denied
8 by Proposition 8.

9 75. Being asked “What does your wife do?” when people notice my ring is embarrassing
10 and painful because it is a reminder of the fact that California does not recognize the importance of
11 the relationship that I have with the person I love.

12 76. Being asked “Are you married?” or “How long have you been married?” is
13 embarrassing and painful because we cannot get married, and the question brings that fact home. For
14 the same reason, explaining why I am not married is difficult and painful—I am forced by the very
15 question to confront and articulate that the State does not value my relationship with Jeff.

16 77. Being asked whether we are brothers by our neighbors, or in other contexts where a
17 spouse should be present (for example, at the hospital), is embarrassing and painful because it
18 reminds me of the fact that we cannot be married in California and because it reminds me of the
19 vulnerability of our relationship because we can’t be married. It reminds me that, if Jeff or I should
20 be in an accident or become seriously ill, hospitals and other caregivers could easily prevent us from
21 having the ability to protect and care for each other simply because we are not legally married.

22 78. Having to create an elaborate estate plan because the law does not recognize our
23 relationship is an expensive burden that is embarrassing and painful because it is a stark reminder of
24 our second-class citizenship.

25 79. Opening a joint bank account is a far more difficult and onerous when you are not
26 married and instead are treated as two “single” individuals.

27 80. Because we are not a married couple, Jeff and I must have our medical authorizations
28 readily available just in case one of us is hospitalized. Without the authorizations we would not be

1 allowed to visit one another in the hospital. If we were married, this would not be a fear and daily
2 concern for us.

3 81. Because we are not married, Jeff has to pay additional taxes for including me on his
4 medical plan.

5 82. When checking-in to hotel rooms, the front-desk clerks often do not acknowledge that
6 Jeff and I are a couple. They look and act uncomfortable about giving us a room with a single bed
7 and ask multiple times if we really want a single room with a single bed. If our relationship was
8 recognized as a “marriage” by the State of California, I believe that we would not experience this
9 treatment, or, at the very least, we could explain to the clerks that we are married and feel much more
10 secure in the knowledge that our relationship is recognized and valued by the State.

11 83. Having to fill-out forms that require information from a “husband” and wife,” or to
12 acknowledge if you are “single” or “married,” such as medical history forms and employment
13 applications, is embarrassing and painful because it is a reminder that we cannot be married in
14 California.

15 84. Jeff and I fear traveling to other states because they do not recognize our relationship.
16 For example, if Jeff or I needed to be hospitalized while in another state, we would not have any right
17 to visit one another in the hospital. I believe that, if we were actually married, the honor and respect
18 accorded this status and the very term would make people with whom we interact more likely to
19 recognize and honor our relationship to one another.

20 85. When I introduce Jeff as my “partner,” I am sometimes asked “Do you work
21 together?” It is painful and embarrassing that people do not recognize our relationship. If I could
22 simply call Jeff my husband, the pain and embarrassment I am subjected to every time I introduce
23 Jeff as my “partner” would be entirely avoided.

24 86. The Yes on Prop. 8 advertisements and campaign literature were painful and caused
25 me distress given that they sought to portray my relationship with Jeff as less than equal and a threat
26 to all Californians.

27 87. During the campaign against Prop. 8, I was told by a supporter of Yes on 8 that
28 “marriage isn’t for your people anyway.” This struck me hard and I thought to myself this person

1 doesn't even know me, and simply wants to see me and Jeff as different from and less than opposite-
2 sex couples. I felt like I was punched in the gut.

3 JEFFREY J. ZARRILLO

4 88. Having been denied access to the institution of civil marriage that most other
5 Californians have, and instead being relegated to second-class status, has caused me humiliation,
6 emotional distress, pain, suffering, psychological harm, and stigma.

7 89. People view marriage as a sign of stability and commitment. My relationship with
8 Paul is not as valued by some of my friends, family, and community because we are not married.
9 Introducing Paul as my "partner" or "boyfriend" is confusing to others, painful to me and Paul and, in
10 a very real sense, wrong, because it does not express proper respect to Paul, nor does it express the
11 importance of our commitment to one another. People who are told we are "domestic partners" or
12 "boyfriends" are unable to appreciate our profound commitment to one another and the validity of
13 our relationship, as they would if they were told that we were married.

14 90. In 2004, Paul and I lived next door to a co-worker of mine and had a friendly
15 relationship with this neighbor. On or about January 2004, my neighbor/co-worker told my manager
16 at work that "Jeff is my neighbor. He lives with his brother." My manager, who knew that Paul and
17 I were in a committed relationship, advised me of what my neighbor had informed her. I was
18 embarrassed that my neighbor and co-worker did not recognize my relationship with Paul. I doubt he
19 would have thought that I lived with my sister if I lived with a woman. I believe that if the State were
20 to recognize same-sex marriages my neighbor would come to realize that two men living together are
21 not necessarily brothers, and rather might be a committed same-sex couple, thus avoiding the pain
22 and embarrassment he caused me.

23 91. On our about January 2006, my company merged with another company. At the prior
24 company, I had included Paul in my medical coverage since he was my domestic partner. After the
25 companies merged, a human resources representative contacted me because they noticed that Paul
26 and I did not share a last name and demanded that I provide proof that Paul was my domestic partner.
27 Not only did I have to provide materials proving the validity of my relationship, I had to wait and see
28 whether Paul would be accepted on my medical plan. Married couples at my company did not have

1 to complete the same administrative work to prove their marriage or have to worry about whether
2 their spouse would be covered on the company medical plan.

3 92. In 2007, Paul and I had a neighbor who was studying to be a pastor. We were very
4 good friends with him and his family. On or about January 2007, this neighbor asked whether he
5 could interview Paul and I for his religious schooling. We agreed. He asked us general questions
6 about our relationship and faith. Toward the end of the interview, we asked him how he felt about
7 same-sex relationships in light of his religious studies. He pulled out the bible and told us “I believe
8 the lifestyle is wrong and that the bible is right.” We were shocked and hurt that our friend was
9 condemning our relationship and our existence. When we pressed him on the point, he explained that
10 he was right because “society does not agree with you. You are not allowed to be married. You
11 cannot share and display your relationship in public. Don’t you see that this is indicative that your
12 lifestyle is perverted and not right?” If the State recognized our marriage, people like our neighbor,
13 would not use the lack of our marital status as proof that we are not deserving of respect and equal
14 rights.

15 93. On May 20, 2009, Paul and I attempted to get a marriage license from the Los Angeles
16 County Clerk, but were denied because we are a same-sex couple. The experience was embarrassing
17 and painful for us because we were so clearly being treated differently from opposite-sex couples. In
18 fact, at the same time the clerk was explaining to us that we could not get married because we are
19 both men, opposite-sex couples next to us were getting marriage certificates without any delay,
20 difficulty, or questioning.

21 94. My nieces love spending time with their two uncles, but have never had a conversation
22 with their parents about our relationship. My brother feels that it is necessary for them to be older
23 before he has “the conversation” with them about our same-sex relationship. If Paul and I were
24 married, it would be much easier and simpler for my brother to have this conversation with his
25 daughters. If he could simply tell them we were married it would explain our relationship perfectly
26 and succinctly.

27 95. Although my family accepts my relationship with Paul, they specifically asked that I
28 not inform my grandfathers because “they come from a different time.” I honored their request and

1 never told my grandfathers. It was painful not to share my relationship with Paul with my
2 grandfathers. It was also painful to realize that my family believes that certain people should not
3 know about Paul and I. If we were married, it would be easier for my family to accept our
4 relationship and easier for them to share it with other people.

5 96. Because we are not married, Paul and I do not have a wedding anniversary date to
6 celebrate. Instead, we celebrate various milestones in our relationship but never our “anniversary,”
7 like every married couple enjoys. Our friends and family do not have a date that they can celebrate
8 our relationship along with us, as they do for friends and family who are married.

9 97. Hearing of my straight friends’ weddings and anniversaries is a painful experience.
10 Paul and I desire our own legally recognized wedding but are denied that fundamental right. We are
11 happy for our friends, but just the same, are constantly reminded of what we are wrongfully denied
12 by Proposition 8.

13 98. Being asked “What does your wife do?” when people notice my ring is embarrassing
14 and painful because it is a reminder of the fact that California does not recognize the importance of
15 the relationship that I have with the person I love.

16 99. Being asked “Are you married?” or “How long have you been married?” is
17 embarrassing and painful because we cannot get married, and the question brings that fact home. For
18 the same reason, explaining why I am not married is difficult and painful—I am forced by the very
19 question to confront and articulate that the State does not value my relationship with Paul.

20 100. Being asked whether we are brothers by our neighbors, or in other contexts where a
21 spouse should be present (for example, at the hospital), is embarrassing and painful because it
22 reminds me of the fact that we cannot be married in California and because it reminds me of the
23 vulnerability of our relationship because we can’t be married. It reminds me that, if Paul or I should
24 be in an accident or become seriously ill, hospitals and other caregivers could easily prevent us from
25 having the ability to protect and care for each other simply because we are not legally married.

26 101. Having to create an elaborate estate plan because the law does not recognize our
27 relationship is an expensive burden that is embarrassing and painful because it is a stark reminder of
28 our second-class citizenship.

1 102. Opening a joint bank account is a far more difficult and onerous when you are not
2 married and instead are treated as two “single” individuals.

3 103. Because we are not a married couple, Paul and I must have our medical authorizations
4 readily available just in case one of us is hospitalized. Without the authorizations we would not be
5 allowed to visit one another in the hospital. If we were married, this would not be a fear and daily
6 concern for us.

7 104. Because we are not married, I have to pay additional taxes for including Paul on my
8 medical plan.

9 105. When checking-in to hotel rooms, the front-desk clerks often do not acknowledge that
10 Paul and I are a couple. They look and act uncomfortable about giving us a room with a single bed
11 and ask multiple times if we really want a single room with a single bed. If our relationship was
12 recognized as a “marriage” by the State of California, I believe that we would not experience this
13 treatment, or, at the very least, we could explain to the clerks that we are married and feel much more
14 secure in the knowledge that our relationship is recognized and valued by the State.

15 106. Having to fill-out forms that require information from a “husband” and wife,” or to
16 acknowledge if you are “single” or “married,” such as medical history forms and employment
17 applications, is embarrassing and painful because it is a reminder that we cannot be married in
18 California.

19 107. Paul and I fear traveling to other states because they do not recognize our relationship.
20 For example, if Paul or I needed to be hospitalized while in another state, we would not have any
21 right to visit one another in the hospital. I believe that, if we were actually married, the honor and
22 respect accorded this status and the very term would make people with whom we interact more likely
23 to recognize and honor our relationship to one another.

24 108. When I introduce Paul as my “partner,” I am sometimes asked “Do you work
25 together?” It is painful and embarrassing that people do not recognize our relationship. If I could
26 simply call Paul my husband, the pain and embarrassment I am subjected to every time I introduce
27 Paul as my “partner” would be entirely avoided.

28

1 109. The Yes on Prop. 8 advertisements and campaign literature were painful and caused
2 me distress given that they sought to portray my relationship with Paul as less than equal and a threat
3 to all Californians.

4 110. On our about November 5, 2008, I attended a Proposition 8 rally attended by both pro
5 and anti-Prop. 8 supporters. It was painful to see people carrying signs that read “Fags are going to
6 hell,” “God doesn’t love you,” and “Marriage is not for you,” and shouting out vitriolic hate speech.

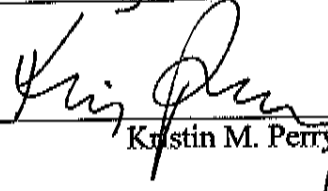
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VERIFICATION

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I, Kristin M. Perry, declare as follows:

I have read **PLAINTIFFS' RESPONSES TO DEFENDANT-INTERVENORS PROPOSITION 8 PROPONENTS' FIRST SET OF INTERROGATORIES** served August 26, 2009 and know its contents. The factual matters stated therein, and those factual matters discussed under my name in Attachment A thereto, are true of my own knowledge. On that ground, I certify and declare under penalty of perjury under the laws of the United States that the same are true and correct. This verification was executed at Berkeley, California on September 15, 2009.

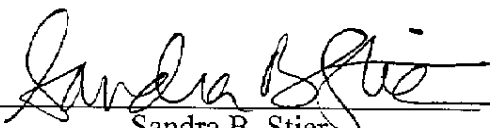


Kristin M. Perry

VERIFICATION

I, Sandra B. Stier, declare as follows:

I have read **PLAINTIFFS' RESPONSES TO DEFENDANT-INTERVENORS PROPOSITION 8 PROPONENTS' FIRST SET OF INTERROGATORIES** served August 26, 2009 and know its contents. The factual matters stated therein, and those factual matters discussed under my name in Attachment A thereto, are true of my own knowledge. On that ground, I certify and declare under penalty of perjury under the laws of the United States that the same are true and correct. This verification was executed at Oakland, California on September 15, 2009.

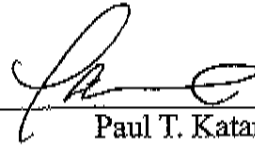

Sandra B. Stier

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VERIFICATION

I, Paul T. Katami, declare as follows:

I have read **PLAINTIFFS' RESPONSES TO DEFENDANT-INTERVENORS PROPOSITION 8 PROPONENTS' FIRST SET OF INTERROGATORIES** served August 26, 2009 and know its contents. The factual matters stated therein, and those factual matters discussed under my name in Attachment A thereto, are true of my own knowledge. On that ground, I certify and declare under penalty of perjury under the laws of the United States that the same are true and correct. This verification was executed at BURBANK, California on September 16, 2009.



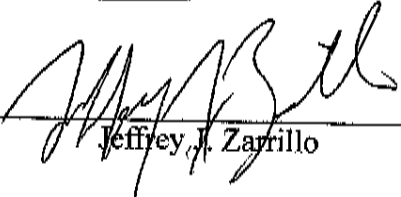
Paul T. Katami

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VERIFICATION

I, Jeffrey J. Zarrillo, declare as follows:

I have read **PLAINTIFFS' RESPONSES TO DEFENDANT-INTERVENORS PROPOSITION 8 PROPONENTS' FIRST SET OF INTERROGATORIES** served August 26, 2009 and know its contents. The factual matters stated therein, and those factual matters discussed under my name in Attachment A thereto, are true of my own knowledge. On that ground, I certify and declare under penalty of perjury under the laws of the United States that the same are true and correct. This verification was executed at Burbank, California on September 16, 2009.



Jeffrey J. Zarrillo