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

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10 KRISTIN M. PERRY, SANDRA B. STIER,
 11 PAUL R. KATAMI, and JEFFREY J.
 12 ZARRILLO,

13 Plaintiffs,

14 CITY AND COUNTY OF SAN FRANCISCO

15 Plaintiffs-Interveners,

16 v.

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

27 Defendants,
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Case No.: CV 09 2292 VRW

**STIPULATION AND [PROPOSED]
 ORDER REGARDING
 ATTENDANCE OF TRIAL BY
 DEFENDANT PATRICK
 O'CONNELL CLERK-RECORDER
 OF THE COUNTY OF ALAMEDA**

Trial Date: January 11, 2010
 Courtroom: No. 6, 17th Floor
 United States District Chief Judge
 Vaughn R. Walker

Action Filed: May 27, 2009

1 DENNIS HOLLINGSWORTH, GAIL J.
2 KNIGHT, MARTIN F. GUTIERREZ,
3 HAK-SHING WILLIAM TAM, MARK A.
4 JANSSON and
5 PROTECTMARRIAGE.COM – YES ON 8,
6 A PROJECT OF CALIFORNIA RENEWAL,
as official proponents of Proposition 8,
Defendants-Interveners.

7 WHEREAS, Patrick O’Connell Clerk-Recorder of the County of Alameda
8 (“Alameda County Clerk-Recorder”), has stated in his trial memorandum filed on
9 December 4, 2009 (Document Nos. 277), that he takes no position on the merits of the
10 case as to the validity of Proposition 8.

11 WHEREAS, in the same trial memorandum, Defendant Patrick O’Connell Clerk-
12 Recorder of the County of Alameda further indicated that he does not intend on
13 presenting any evidence or argument on the merits, but reserves the right to provide a
14 defense as to any specific wrongdoing as to him.

15 NOW THEREFORE, the parties, through their respective counsel of record, do
16 hereby stipulate and agree, and ask the Court to enter an order pursuant to Federal
17 Rule of Civil Procedure 16 as follows:

18 1. The attendance at trial by counsel of record for Defendant
19 Patrick O’Connell Clerk-Recorder of the County of Alameda will not be necessary, but
20 Defendant Patrick O’Connell Clerk-Recorder of the County of Alameda’s counsel may
21 attend the hearing, as budgetary restraints permit, for selected arguments.

22 2. Defendant Patrick O’Connell Clerk-Recorder of the County of Alameda will
23 continue to be served in the normal practice throughout the proceedings.

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3. Defendant Patrick O'Connell Clerk-Recorder of the County of Alameda will be bound by the final judgment of the Court in this matter.

IT IS SO STIPULATED.

DATED: 1/5/10 OFFICE OF THE COUNTY COUNSEL

By: /s/ Judy W. Whitehurst
Judy W. Whitehurst
Principal Deputy County Counsel

Attorneys for DEAN C. LOGAN,
LOS ANGELES REGISTRAR-
REORDER/COUNTY CLERK

DATED: 1/5/10 GIBSON, DUNN & CRUTCHER LLP

By: /s/ Christopher D. Dusseault
Christopher D. Dusseault

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

DATED: 1/6/10 OFFICE OF THE CITY ATTORNEY

By: /s/ Terese M. Stewart
Terese M. Stewart
Chief Deputy City Attorney

Attorneys Plaintiff-Intervenor CITY AND
COUNTY OF SAN FRANCISCO

DATED: 1/7/10 LAW OFFICE OF TERRY L. THOMPSON

By: /s/ Terry L. Thompson
Terry L. Thompson

Attorney for Defendant-Intervener
HAK-SHING WILLIAM TAM

1 DATED: 1/7/10

COOPER AND KIRK, PLLC

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By: /s/ David H. Thompson
David H. Thompson

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

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8 DATED: 1/5/10

OFFICE OF THE ATTORNEY GENERAL

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By: /s/ Tamar Pachter
Tamar Pachter
Deputy Attorney General

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

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14 DATED: 1/5/10

MENNEMEIER, GLASSMAN & STROUD LLP

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By: /s/ Andrew W. Stroud
Andrew W. Stroud

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Attorneys for Defendants ARNOLD
SCHWARZNEGGER, MARK B. HORTON and
LINETTE SCOTT (the “Administration
Defendants”)

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19

20 DATED: 1/5/10

RICHARD E. WINNIE, County Counsel in and
for the County of Alameda, State of California

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By: /s/ Claude F. Kolm
Claude F. Kolm
Deputy County Counsel

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

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HONORABLE VAUGHN R. WALKER
Chief Judge of the United States District Court,
Northern District of California

ATTESTATION PURSUANT TO GENERAL ORDER NO. 45

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

RICHARD E. WINNIE, County Counsel in and for the County of Alameda, State of California

By: /s/ Manuel F. Martinez
Manuel F. Martinez
Associate County Counsel

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