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Motion for Admission Pro Hac Vice Pending

8
9 Attorneys for Non-Party Dr. Jim Garlow
and Non-Party Pastor Miles McPherson

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13
14 KRISTEN M. PERRY, *et al.*,
Plaintiffs,
15
16 and
CITY AND COUNTY OF SAN
17 FRANCISCO,
Plaintiff-Intervenor,

18
19 vs.

20 ARNOLD SCHWARZENEGGER, *et al.*,
Defendants

21
22 and
PROPOSITION 8 OFFICIAL PROPONENTS)
23 DENNISE HOLLINGSWORTH, *et al.*,
Defendant –Intervenors.)

) Case No.: 3:09-cv-02292

) **MILES MCPHERSON’S MOTION TO**
) **QUASH SUBPOENA AND FOR**
) **PROTECTIVE ORDER**

) Trial Date: January 11, 2010

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25 For the reasons stated in the accompanying Memorandum of Law, Movant, Miles
26 McPherson, by counsel, respectfully requests this Court to quash the subpoena dated December
27 28, 2009 that he was issued by counsel for the Plaintiffs to appear and testify on January 11,
28 2010 at trial in this case. Non-Party witness furthermore requests an Order of this Court limiting

1 the questions that may be asked of him in the event that this court fails to grant the requested
2 Motion to Quash. He requests that no questions be permitted by the court regarding his personal
3 beliefs regarding traditional marriage or same-sex marriage or any questions regarding his
4 activities in furtherance of associations with others or individual actions taken by him supporting
5 his beliefs regarding traditional or same-sex marriage. This would include sermons, speeches,
6 comments to his parishioners or others, writings by him, and any other speech or actions taken
7 by him alone or with others promoting traditional marriage and opposing same-sex marriage. As
8 stated in his affidavit this witness had nothing to do with the drafting of Proposition 8 in any
9 manner whatsoever and his only association with Proposition 8 is in his speech supporting
10 traditional marriage and therefore Proposition 8 and opposing same-sex marriage, all of which--
11 witness asserts--are protected First Amendment activities.
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13

14 Respectfully submitted,

15 /S/ Brian R. Chavez-Ochoa

16 Brian R. Chavez-Ochoa
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Miles McPherson’s Motion to Quash Subpoena and for Protective Order was served on all parties required to be served this 11th day of January, 2010, by the following methods and addressed as follows:

By ELECTRONIC SERVICE:

- | | |
|--------------------------|----------------------------|
| Elizabeth O. Gill | Theodore J. Boutrous, Jr. |
| Alan Lawrence Schlosser | Ethan D. Dettmer |
| Kevin Trent Snider | Christopher Dean Dusseault |
| Jennifer Lynn Monk | Jeremy Michael Goldman |
| Robert Henry Tyler | Theane Evengelis Kapur |
| Gordon Bruce Burns | Matthew Dempsey McGill |
| Tamar Pachter | Enrique Antonio Monagas |
| Rena M. Lindevaldsen | Theodore B. Olson |
| Mary Elizabeth McAlister | Sarah Elizabeth Piepmeier |
| Jesse Panucio | Josh Schiller |
| Eric Brianna Bernstein | Amir Cameron Tayrani |
| Danny Yeh Chou | Theodore Hideyuki Uno |
| Ronald P. Flynn | Tara Lynn Borelli |
| Christine Van Aken | Matthew Albert Coles |
| David E. Bunim | Jon Warren Davison |
| James J. Brosnahan | James Dixon Esseks |
| Tobias Barrington Wolff | Shannon Minter |
| James A. Campbell | Jennifer Carol Pizer |
| Timothy D. Chandler | Alan Lawrence Schlosser |
| Charles J. Cooper | Christopher Francis Stoll |
| Jordan W. Lorence | Iona Margaret Turner |
| Howard C. Neilson, Jr. | Charles Salvatore LiMandri |
| Austin R. Nimocks | Judy Whitehurst |
| Peter A. Patterson | Thomas R. Burke |
| Andrew Perry Pugno | Claude Franklin Kolm |
| Brian E. Raum | Manuel Francisco Martinez |
| David H. Thompson | Rosanne C. Baxter |
| Kenneth C. Mennemieier | Michael W. Kirk |
| Andrew Walter Stroud | Eric Grant |
| Richard J. Bettan | Terry Lee Thompson |
| David Boies | Patrick John Gorman |

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(Signature of Following Page)

1 Respectfully submitted,
2 Signed at Valley Springs, California on
3 January 11, 2010.

4 /S/ Brian R. Chavez-Ochoa
5 Brian R. Chavez-Ochoa
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