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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,
7 as official proponents of Proposition 8,

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Defendants-Interveners.

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

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

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

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

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

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

3 IT IS SO STIPULATED.

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

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

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

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

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

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

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

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

21 Attorneys Plaintiff-Intervenor CITY AND
22 COUNTY OF SAN FRANCISCO

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

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

26 Attorney for Defendant-Intervener
27 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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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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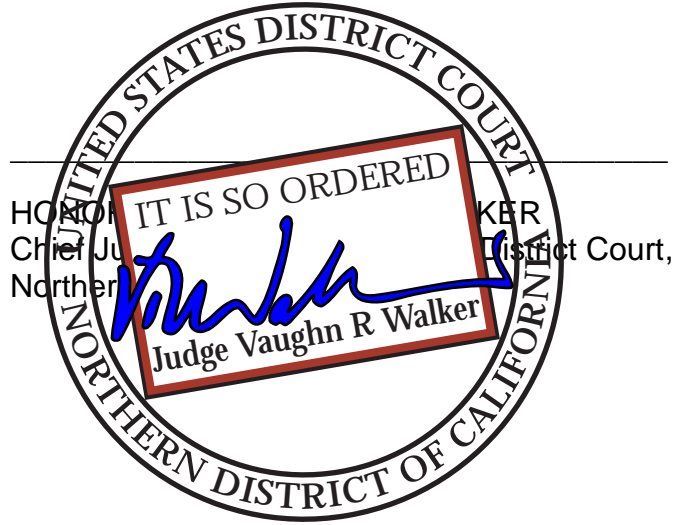
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 13, 2010



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1 **ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

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

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

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

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