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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KRISTIN M. PERRY, *et al.,*

Plaintiffs,

and

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff-Intervenor,

v.

ARNOLD SCHWARZENEGGER, *et al.,*

Defendants,

and

PROPOSITION 8 OFFICIAL PROPONENTS DENNIS HOLLINGSWORTH, *et al.,*

Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

DECLARATION OF REBECCA JUSTICE LAZARUS IN SUPPORT OF RESPONSE TO PROPONENTS' OBJECTIONS TO DISCOVERY ORDERS OF MAGISTRATE JUDGE SPERO

Trial Date: January 11, 2010
Judge: Chief Judge Walker
Location: Courtroom 6, 17th Floor

I, Rebecca Justice Lazarus, declare as follows:

1. I am an attorney licensed to practice law in the State of California and in the Northern District of California. I am an associate in the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo(collectively, "Plaintiffs") in the above-captioned matter. I have personal knowledge of the facts stated herein and could and would testify competently thereto if called upon to do so.

2. Attached hereto is a true and correct copy of relevant excerpts from the certified transcript of the deposition of Ronald Prentice, taken on December 17, 2009.

I declare, under the penalty of perjury under the laws of the United States that these facts are true and correct and that this Declaration is executed this 15th day of January 2009 at San Francisco, California.

/s/
Rebecca Justice Lazarus

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 the other signatory to this document.

/s/ Ethan D. Dettmer
Ethan D. Dettmer

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

---oOo---

KRISTIN M. PERRY, et al.,

Plaintiffs,

vs. Case No. 09-CV-2292 VRW

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

_____/

Deposition of

RONALD PRENTICE

Volume I

Thursday, December 17, 2009

REPORTED BY: LESLIE CASTRO, CSR #8876

BONNIE L. WAGNER & ASSOCIATES
Court Reporting Services
41 Sutter Street, Suite 1605
San Francisco, California 94104
(415) 982-4849

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compensation; is that correct?
A. Correct. I believe that I operate as its executive director without compensation.
Q. And what are your responsibilities as executive director for California Renewal?
A. Prior to -- there has been no activity by California Renewal leading up to the ProtectMarriage.com-Yes on 8 campaign.
Q. I'm not sure I understand what you just said so let me try to ask. You say there's been no activity by California Renewal leading up to the Yes on 8 campaign. I'm trying to understand the connection between California Renewal and ProtectMarriage.
Is there one?
A. When you say "ProtectMarriage," are you referring to the ProtectMarriage.com-Yes on 8 campaign?
Q. Yes.
A. The sponsoring entity was the (c)(4) California Renewal.
Q. The sponsoring entity of the initiative measure?
A. Yes, of ProtectMarriage.com-Yes on 8 campaign committee.
Q. So just to be clear: California Renewal was the sponsor of--

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(Mr. Pugno enters the room.)
MS. STEWART: Q -- the entity, the Yes on 8 ProtectMarriage entity or are you saying it was the sponsor of the initiative itself, the ballot measure.
A. To the best of my knowledge, the way that I would frame it would be that the initiative was put forth by the campaign committee called ProtectMarriage.com-Yes on 8.
Q. Okay.
So ProtectMarriage.com-Yes on 8 actually was the official proponent or an official proponent of Proposition 8; is that correct?
MS. MOSS: Object to the extent it calls for a legal conclusion.
MS. STEWART: I'm asking for his understanding counsel.
THE WITNESS: I believe that there was a campaign committee formed and there were individual proponents.
MS. STEWART: Q But just from a lay person's understanding, how was ProtectMarriage.com, the entity, involved in that process?
A. ProtectMarriage.com-Yes on 8, to the best of my understanding, is primarily formed ballot measure committee.
Q. And who formed that ballot measure committee?

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A. It was created by an ad hoc executive committee.
Q. And earlier you said something about California Renewal being the sponsoring -- I can't remember the language you used -- but member or sponsoring -- in some way sponsoring. And I was unclear whether you were saying they sponsored the formation of ProtectMarriage.com or something else.
Can you explain?
A. Well, I'm not sure that I can explain it much better than I have because of my lack of legal intellect. And it would have to do with that there is a board of directors, too.
California Renewal who gave authority to an ad hoc executive committee to move forward with a primarily-formed ballot measure called ProtectMarriage.com-Yes on 8.
Q. I would say that's not an intellect issue, I think it was very clear.
A. Thank-you. Let's just hope it's accurate.
MS. MOSS: Can we take a bathroom break?
THE VIDEOGRAPHER: Off record at 10:08.
(Brief break.)
(Ms. Piepmeier is not present.)
THE VIDEOGRAPHER: Back on the record at 10:14.

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MS. STEWART: Q Mr. Prentice, when you were employed by Focus on the Family, what was the approximate annual budget of that organization?
A. Approximately -- well, it varied within those ten years. Anywhere from 125 million to 145 million.
Q. Earlier you mentioned that the board of directors of California Renewal gave authority to an ad hoc committee to move forward to create ProtectMarriage.com or what became ProtectMarriage.com.
A. Became the ballot measure committee.
Q. What did -- well, first of all, who was on the ad hoc committee?
A. Of?
Q. You said the board of directors of California Renewal gave authority to an ad hoc committee. And I was wondering who was on that committee.
MS. MOSS: And in responding to that, I'm going to instruct you to the extent that there's a member of that committee who has asked us to keep his identity confidential while he pursues his claim of privilege, I would instruct you not to reveal that identity. Otherwise, you can respond.
MS. STEWART: Q And are you going to follow your counsel's instruction?
A. Yes.

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10:23:19 A. I would say that ProtectMarriage.com was
10:23:24 used -- I would say "yes," and definitely say a
10:23:40 broad-based coalition -- loose -- loosely.
10:23:46 Q. And when you say "loosely," what do you mean?
10:23:49 A. It's a loosely-formed coalition.
10:23:52 Q. And who -- what were the organizations that
10:24:00 were part of that loosely-based coalition?
10:24:04 MS. MOSS: I'm going to object to the extent
10:24:06 that -- two grounds: One, I still don't think it's
10:24:13 clear exactly which --
10:24:13 THE WITNESS: I agree.
10:24:14 MS. MOSS: -- entity, ProtectMarriage.com entity
10:24:15 that you're referring to. But secondly, to the extent
10:24:18 you understand or believe -- understand what entity
10:24:23 she's referring to, if it's the Yes on 8 committee, if
10:24:28 they were affiliated with organizations and that's
10:24:31 publicly known, you can disclose that. If there was any
10:24:35 private affiliations that are not publicly known, I
10:24:39 instruct you not to answer.
10:24:40 THE WITNESS: And I interpret your question to
10:24:42 refer to the Yes on 8 campaign. And there were people
10:24:46 that would go on to the website and sign on endorsing
10:24:50 it. And that's how loose and how broad-based we
10:24:55 interpreted the coalition to be.
10:24:58 MS. STEWART: Q And so when the website here

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10:25:07 refers to a broad-based coalition of organizations,
10:25:09 churches and individuals, was that coalition formed
10:25:18 solely by people signing on to the website?
10:25:21 A. Well, actually, as I see at the bottom of
10:25:24 this, it says "2005." So this may be -- if it's 2005,
10:25:31 it obviously came before the formation of the ballot
10:25:36 measure committee.
10:25:41 And I don't know even then whether -- well,
10:25:43 there's a page on the left it says "Endorsement" so I
10:25:47 guess there was opportunity for people to align with
10:25:51 this general cause.
10:25:53 Q. So let me go back to 2005 then.
10:25:56 And ask you: Was -- was there an entity to
10:26:03 your knowledge called ProtectMarriage.com in 2005?
10:26:10 A. No, not an entity. There have been times
10:26:20 over -- there have been -- ProtectMarriage.com has been
10:26:26 more a general -- general purpose of -- for the benefit
10:26:38 of traditional marriage. And there have been -- and
10:26:45 prior to the Yes on 8 campaign, there was not an
10:26:51 official entity.
10:26:54 Q. Was there something other than an official
10:26:58 entity that you understood ProtectMarriage.com to refer
10:27:04 to before -- let's say before 2008?
10:27:12 A. I think that I understood ProtectMarriage.com
10:27:17 prior to the ballot measure committee to be, again, a --

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10:27:24 a generally directed purpose, not an entity.
10:27:33 Q. Was it a coalition?
10:27:39 A. Only to the extent that people aligned with a
10:27:42 generally directed purpose.
10:27:46 Q. Do you recall who was part of that coalition
10:27:55 prior to the 2008?
10:27:57 A. Prior to the forming of the ballot measure
10:27:58 committee, as it reads here, it's a broad-based
10:28:06 coalition of organizations, churches and individuals,
10:28:08 and so there was no list. There was no -- there was no
10:28:16 entity.
10:28:17 Q. Was there a website?
10:28:20 A. Apparently, this came off of a website and
10:28:24 it's copyright '05.
10:28:26 Q. And did you have anything to do with that
10:28:28 website prior to 2008?
10:28:37 A. I did not have anything to do with the
10:28:39 creation of the website, no.
10:28:42 Q. Do you know who did?
10:28:48 A. There has been a -- a changing relatively
10:28:57 fluid group of individuals who attempted to keep the
10:29:07 public informed of what was going on legally with
10:29:12 marriage.
10:29:15 Q. But do you know who created the
10:29:22 ProtectMarriage.com website that existed before 2008?

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10:29:31 A. I go not know who is responsible for its
10:29:33 creation.
10:29:34 Q. Was it someone who worked for the California
10:29:36 Family Council?
10:29:37 A. No.
10:29:37 Q. And I believe you said that California Renewal
10:29:42 had no employees; correct?
10:29:43 A. Correct.
10:29:46 Q. So you have no idea, as you sit here, who was
10:29:49 responsible for creating the ProtectMarriage.com website
10:29:53 before 2008?
10:29:54 A. Well, I have some idea in that I've referred
10:29:58 to a fluid committee of people. But I do not – I do
10:30:03 not know precisely who pulled this trigger.
10:30:08 Q. If you look at the bottom of Exhibit 1,
10:30:10 there's a copyright designation it says "Copyright 2005
10:30:16 ProtectMarriage.com."
10:30:17 Do you see that?
10:30:18 A. Yes.
10:30:18 Q. And then it also says "After all rights
10:30:23 reserved," it says "ProtectMarriage.com, a project of
10:30:29 California Renewal."
10:30:29 Do you see that?
10:30:30 A. Yes.
10:30:31 Q. Was there a project of California Renewal in

DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA)
) Ss.
COUNTY OF CONTRA COSTA)

I LESLIE CASTRO, CSR, hereby certify:

I am a duly qualified Shorthand Reporter in the State of California, holder of Certificate Number 8876 issued by the Court Reporter's Board of California and which is in full force and effect. (Fed R. Civ. P. 28(a)).

I am authorized to administer oaths of affirmations pursuant to California Code of Civil Procedure, Section 2093(b), and prior to being examined, the deponent was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f) (1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record

of the testimony given by the deponent. (Fed. R. Civ. P. 30(f) (1)).

Before completion of the deposition, review of the transcript [ ] was [X] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed, are appended hereto. (Fed. R. Civ. P. 30(a)).

Dated: 28th of December, 2009.

_____
LESLIE CASTRO, CSR
State of California
CSR License No. 8876

ERRATA SHEET

PAGE LINE CHANGE

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I, RONALD PRENTICE, have made the following changes to my deposition taken in the matter of PERRY, ET AL. vs. SCHWARZENEGGER, ET AL. taken on DECEMBER 17, 2009.

DATE:_____ _____
RONALD PRENTICE

CERTIFICATION OF WITNESS

I, RONALD PRENTICE, hereby declare that I have read the foregoing testimony, and the same is true and a correct transcription of my said testimony except as I have corrected.

_____
Signature

_____
Date

BONNIE L. WAGNER & ASSOCIATES
COURT REPORTING SERVICE
41 SUTTER STREET, SUITE 1605
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January 4, 2010
Ronald Prentice
c/o Nicole J. Moss, Esq.
Cooper & Kirk
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Re: Perry, et al. vs.
Schwarzenegger, et al.

Dear Mr. Prentice:
You are hereby notified that pursuant to the California Code of Civil Procedure Section 2019(E), your deposition is available for your review within 35 days from the date of this letter.

If you are represented by an attorney in this matter contact your attorney before contacting this office. Do not ask that we send you the original deposition. State law does not allow us to do so.

Yours very truly,

Leslie Castro, CSR
Bonnie L. Wagner & Associates

CC: Original Transcript
All Counsel