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18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, *et al.*,
 21 Plaintiffs,
 and
 22 CITY AND COUNTY OF SAN FRANCISCO,
 23 Plaintiff-Intervenor,
 v.
 24 ARNOLD SCHWARZENEGGER, *et al.*,
 25 Defendants,
 and
 26 PROPOSITION 8 OFFICIAL PROPONENTS
 27 DENNIS HOLLINGSWORTH, *et al.*,
 28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**DECLARATION OF AMIR C. TAYRANI
 IN SUPPORT OF PLAINTIFFS' MOTION
 TO EXCLUDE TESTIMONY OF FRANK
 SCHUBERT**

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

1 I, Amir C. Tayrani, declare as follows:

2 1. I, Amir C. Tayrani, am an attorney at law, duly licensed to practice before all courts of
3 the State of California and before the United States District Court for the Northern District of
4 California. I am an associate with Gibson, Dunn & Crutcher LLP, counsel of record for Plaintiffs in
5 the above-captioned matter. I have personal knowledge of the facts stated herein and could and
6 would testify competently thereto if called upon to do so.

7
8 2. Attached hereto as **Exhibit A** is a true and correct copy of an e-mail sent on January
9 24, 2010, from Proponents' counsel, Nicole Jo Moss, to Plaintiffs' counsel, Enrique A. Monagas,
10 notifying the parties that Proponents intend to call Frank Schubert to testify on January 26, 2010, and
11 identifying 95 trial exhibits that they might use in connection with that testimony.

12
13 3. Attached hereto as **Exhibit B** is a true and correct copy of the deposition of Frank
14 Schubert, taken on December 17, 2009.

15
16 4. Attached hereto as **Exhibit C** is a true and correct copy of a letter sent on January 24,
17 2010, from Plaintiffs' counsel, Theodore J. Boutrous, Jr., to Proponents' counsel, Charles J. Cooper,
18 regarding the testimony of Frank Schubert.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
20 day of January, 2010.

21 By: _____/s/
22 Amir C. Tayrani

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.

/s/ Theodore B. Olson
Theodore B. Olson

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