

Exhibit C

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Client Matter No.: T 36330-00001

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January 24, 2010

Charles J. Cooper, Esq.
Cooper & Kirk PLLC
1523 New Hampshire Ave, NW
Washington, D.C. 20036

Re: Perry v. Schwarzenegger, No. 09-CV-2292-VRW

Dear Chuck:

I am in receipt of Nicole Moss's email of this morning notifying counsel of your intent to call Frank Schubert as a witness on Tuesday, January 26, 2010, and I write in response.

On Friday, you stated in court that, in addition to Dr. Miller and Mr. Blankenhorn, Proponents "may . . . call another witness primarily for the purpose of authenticating documents." 1/22/10 Tr. 2326 at 12-13. We have reviewed the list of exhibits Ms. Moss disclosed this morning and can report that Plaintiffs will stipulate to the admission of each of the exhibits disclosed by her this morning. That apparently would eliminate your need to call Mr. Schubert as a witness, unless you have some objective in mind beyond what you disclosed to the Court and to us on Friday.

If you do intend to call Mr. Schubert notwithstanding our stipulation, please produce immediately any documents that you are withholding that touch upon the subjects on which he may offer testimony. Given that Mr. Schubert ostensibly has been disclosed to testify on the "genesis, strategy, and execution of the 'Yes on 8' campaign," Doc # 284 at 6, we believe his testimony would require you to produce substantially all of the documents that were authored, sent, or received by Mr. Schubert and his firm that you have withheld on the basis of an ostensible First Amendment privilege.

Finally, we want to alert you to our objection to Mr. Schubert testifying on any and all subjects on which he was instructed not to answer questions at deposition. As you know, at Mr. Schubert's deposition, Mr. Tyler instructed Mr. Schubert not to answer virtually every question relating to the "genesis, strategy, and execution of the Yes on 8 campaign"—76

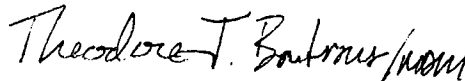
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times in all. *See* Tr. of Dep. of Frank Schubert at 5-8. Mr. Schubert's refusal to answer questions concerning the Yes on 8 campaign at deposition precludes him from offering testimony on those subjects at trial.

Since the exhibits you have disclosed may be admitted without further authentication and pursuant to stipulation and since you have prevented this witness from testifying on any other subject for which he has been disclosed as a witness, we presume he will not be a witness. If you have any other intentions, please notify us immediately, and in no event later than 7:00 p.m. (Pacific time) so that we may seek appropriate relief from the Court in the morning.

Very truly yours,

A handwritten signature in cursive script that reads "Theodore J. Boutros Jr." followed by a flourish.

Theodore J. Boutros Jr.

cc: All Counsel