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6 Attorneys for Third Party Subpoena Recipient
Californians Against Eliminating Basic Rights

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 KRISTIN M. PERRY, et al.,

12 Plaintiffs,

13 vs.

14 ARNOLD SCHWARZENEGGER, et al.,

15 Respondents.

) No.: 09-cv-2292 VRW
)
)

) **DECLARATION OF MARISA MORET**
) **IN SUPPORT OF THIRD PARTY**
) **CALIFORNIANS AGAINST**
) **ELIMINATING BASIC RIGHTS'**
) **OPPOSITION TO MOTION TO**
) **COMPEL**

16 Motion to Compel Hearing:

17 Date: February 25, 2010
Time: 2:30 p.m.
18 Crtrm.: A

19 (The Honorable Joseph C. Spero)

DECLARATION OF MARISA MORET

I, Marisa Moret, declare as follows:

1. I am the Managing Attorney of the San Francisco City Attorney’s Office. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would testify competently thereto.

2. I submit this declaration pursuant to the Court’s February 9, 2010 order (Doc. #585) requiring that third party subpoena recipient Californians Against Eliminating Basic Rights submit a declaration justifying the inclusion in its core group of the individuals identified in the letter dated February 1, 2010, from Kari Krogseng to Jesse Panuccio.

3. I am a Board Member and Secretary of Californians Against Eliminating Basic Rights (“CAEBR”). CAEBR (formerly known as Californians Against Discrimination) was formed in July 2008 to educate the public about discrimination, and to oppose Proposition 8. It was engaged primarily in fundraising activities, including one-on-one solicitations, one-on-one meetings between potential donors and CAEBR Chair City Attorney Dennis Herrera, and a small number of fundraising events. Although it originally intended to use its funds for public messaging, CAEBR ultimately contributed the bulk of the funds it received to the umbrella No on 8 organization, Equality for All, No on 8. Attached as Exhibit A are true and correct copies of excerpts of CAEBR’s campaign finance statements filed with the Secretary of State, which demonstrate that CAEBR made contributions to Equality for All, No on 8, in the amounts of \$100,000 on October 1, 2008, \$525,000 on October 21, 2008, \$30,000 on October 27, 2008, and \$6,500 on November 3, 2008.

4. CAEBR’s core group consists of:

- a. Ben Barnz, Board Member and President.
- b. Marisa Moret, Board Member and Secretary.
- c. Patti Rockenwagner, Board Member and Chief Financial Officer.
- d. San Francisco City Attorney Dennis Herrera, Chair. Mr. Herrera was involved in the formulation of campaign strategy and messaging, and

1 was responsible for crafting messages in one-on-one meetings with
2 potential donors. Mr. Herrera did not regularly participate in electronic
3 communications, but instead his participation in CAEBR was generally
4 through telephone calls and one-on-one meetings coordinated by me or
5 consultants working with CAEBR. I was responsible for communicating
6 with CAEBR consultants and reporting any pertinent information related
7 to the committee to Mr. Herrera.

8 e. Griffin Schake, the primary campaign consultants for CAEBR, who were
9 responsible for formulating and coordinating campaign strategy and
10 messaging. Employees of Griffin Schake who were involved in these
11 activities are:

- 12 i. Chad Griffin, Principal;
- 13 ii. Kristina Schake, Principal;
- 14 iii. Yusef Robb, Director of Messaging and Campaign Strategy and
15 the primary spokesperson for CAEBR;
- 16 iv. Heidi Hertel, Associate;
- 17 v. Matthew diGirolamo, Director of Brand and Communications
18 Strategy;
- 19 vi. Marissa Moss, Media Relations Manager;
- 20 vii. Greg Neil, Executive Assistant to Chad Griffin; and
- 21 viii. Kaity Roehrick Gonzalez, Executive Assistant to Kristina
22 Schake.

23 f. Armour Media Group. Mark Armour of Armour Media Group is a
24 consultant who conducted polling and assisted CAEBR in its early
25 formulation of campaign strategy and messaging.
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- 1 g. Bonner Group, Inc., a political fundraising consultant that played a
2 significant role in campaign strategy and formulating messaging, and
3 was provided with internal draft messaging and strategy material for the
4 purposes of carrying out its responsibilities. Employees of Bonner
5 Group, Inc. who were involved in these activities are:
- 6 i. Mary Pat Bonner, founder;
 - 7 ii. Mike Berkowitz, Senior Vice President for Operations &
8 Strategy; and
 - 9 iii. Carrie Roush, Communications Coordinator.
- 10 h. Diane Hamwi, a fundraising consultant who played a significant role in
11 campaign strategy and formulating messaging, and was provided with
12 internal draft messaging and strategy material for the purposes of
13 carrying out her responsibilities.
- 14 i. Mark Walsh, a fundraising consultant who played a significant role in
15 campaign strategy and formulating messaging, and was provided with
16 internal draft messaging and strategy material for the purposes of
17 carrying out its responsibilities.
 - 18 j. Monique Moret Stevens, an advisor to CAEBR who participated in
19 developing campaign strategy and messaging.

20 5. Although attorneys James C. Harrison and Kari Krogseng of Remcho,
21 Johansen & Purcell provided legal advice regarding aspects of CAEBR's campaign strategy and other
22 matters, and campaign treasurer Daralyn Reed provided advice regarding campaign financing and
23 reporting obligations, no communications between these individuals and other members of the core
24 group were made that contain, refer or relate to any arguments for or against Proposition 8.

1 I declare under penalty of perjury that the foregoing is true and correct. I have firsthand
2 knowledge of the same, and if called upon to do so I could and would testify competently thereto.

3 Executed this 12 day of February, 2010, in San Francisco, California.

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6 MARISA MORET

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28 DECL. OF MARISA MORET IN SUPP. OF
THIRD PARTY CALIFORNIANS AGAINST
ELIMINATING BASIC RIGHTS' OPP. TO MOT.
TO COMPEL - NO. 09-cv-2292 VRW