

Exhibit E

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April 13, 2010

VIA ELECTRONIC MAIL

Mr. Stephen V. Bomse
Orrick, Herrington & Sutcliffe LLP
450 Howard Street
San Francisco, CA 94105-2669

Ms. Lauren Whittenmore
Fenwick & West LLP
555 California Street, Suite 1200
San Francisco, CA 94104

Re: *Perry v. Schwarzenegger, et al.*, N.D. Cal. Case No. C-09-2292-VRW

Dear Mr. Bomse and Ms. Whittenmore:

I write in regards to the ongoing discovery dispute between the Defendant-Intervenors (hereinafter “Proponents”) and your clients (hereinafter “ALCU” and “EQCA”) in the above-referenced matter. The Ninth Circuit’s April 12 order dismissing your clients’ appeal of the District Court’s March 5 and March 22 orders means that the stay of those orders is no longer in place. Accordingly, the ACLU and EQCA are under an obligation “to produce all documents in [their] possession that contain, refer or relate to arguments for or against Proposition 8, except those communications solely among members of [the] core group[s]” the District Court has identified. Doc # 610 at 14. According to the District Court’s March 22 order, the ACLU and EQCA were to meet that obligation in full by March 31, 2010, leaving Proponents twelve days—until April 12, 2010—to review the documents and “make [an] appropriate motion or submission” to “supplement their trial record with documents obtained through this production.” Doc # 623 at 24.

In an order issued today, the District Court noted that the Ninth Circuit stay was no longer in effect and that Proponents had not yet made the April 12 submission contemplated in the March 22 order. Proponents have not made that submission, of course, because during the pendency of the stay the ACLU and EQCA did not produce any documents pursuant to the District Court’s orders. The District Court has now ordered Proponents to “show cause in writing not later than April 16, 2010 at 5 PM PDT why the evidentiary record should not now be closed.” See Doc # 631 at 2. Accordingly, Proponents must have possession of the documents

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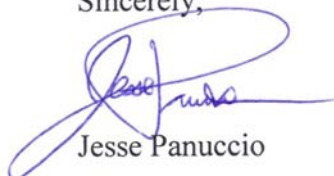
Lawyers

Stephen V. Bomse, Esq.
Lauren Whittemore, Esq.
April 13, 2010
Page 2 of 2

the ACLU and EQCA are under an obligation to produce. We therefore respectfully request that the ACLU and EQCA immediately meet their production obligations under the March 5 and March 22 orders.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Panuccio", is written over a large, stylized blue scribble or flourish.

Jesse Panuccio