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8 California Department of Public Health and State Registrar of Vital  
Statistics, and Linette Scott, in her official capacity as Deputy Director  
9 of Health Information & Strategic Planning for the California Department  
of Public Health

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

14 KRISTIN M. PERRY, et al.,

15 Plaintiffs,

16 CITY AND COUNTY OF SAN  
FRANCISCO,

17 Plaintiff-Intervenor,

18 v.

19 ARNOLD SCHWARZENEGGER, in his  
20 official capacity as Governor of California,  
et al.,

21 Defendants,

22 and

23 PROPOSITION 8 OFFICIAL  
24 PROPONENTS DENNIS  
HOLLINGSWORTH, et al.,

25 Defendant-Intervenors.  
26

) Case No. 09-CV-02292 VRW

) **THE ADMINISTRATION'S RESPONSES**  
) **AND OBJECTIONS TO PLAINTIFFS'**  
) **FIRST SET OF REQUESTS FOR**  
) **ADMISSION**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF  
CALIFORNIA

Case number: 3:09-cv-02292-VRW

PLTF EXHIBIT NO. PX0709

Date admitted: \_\_\_\_\_

By: \_\_\_\_\_

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18 v. ) **ADMISSION**  
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et al., )  
21 Defendants, )  
22 and )  
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24 PROPONENTS DENNIS )  
HOLLINGSWORTH, et al., )  
25 Defendant-Intervenors. )  
26 \_\_\_\_\_ )

1 PROPOUNDING PARTY: Plaintiffs Kristin Perry, Sandra Stier, Paul Katami and Jeffrey  
2 Zarrillo (“Plaintiffs”)

3 RESPONDING PARTY: Defendants Arnold Schwarzenegger, Mark B. Horton, and Linette  
4 Scott (the “Administration Defendants”)

5 SET NUMBER: One

6 **PRELIMINARY STATEMENT**

7 The Administration Defendants’ responses are of a preliminary nature. The  
8 Administration Defendants may become aware of additional relevant facts that may lead to  
9 changes in the responses set forth below. Although these responses are complete to the best of  
10 the Administration Defendants’ knowledge, these responses are given without prejudice to the  
11 Administration Defendants’ right to produce additional relevant evidence that may come to light  
12 regarding the issues raised in this lawsuit.

13 **GENERAL OBJECTIONS**

14 The Administration Defendants object to each of the Requests to the extent that it  
15 seeks information protected by the attorney-client privilege and/or the attorney work-product  
16 doctrine. To the extent that supplying the information requested would result in waiving any  
17 privilege or objection based on the attorney-client privilege and/or attorney work-product  
18 doctrine, the Administration Defendants object to providing such information and will not do so.

19 Additionally, the Administration Defendants object to each of the Requests to the  
20 extent that it seeks information outside the knowledge of the Administration Defendants, and/or  
21 seeks admissions as to generalized principles or intangible or otherwise unascertainable matters  
22 that cannot be confirmed or denied based on any knowledge or information of the Administration  
23 Defendants, or any knowledge or information that could be gained through a reasonable inquiry  
24 or investigation.

25 The Administration Defendants further object to each of the Requests insofar as it  
26 improperly requests that the Administration Defendants express a subjective or qualitative  
27 judgment as to any individual, group of individuals, or relationship between or among  
28 individuals, as such subjective or qualitative judgments cannot be admitted or denied on the basis



1 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

2           The Administration Defendants object on grounds that this Request is vague,  
3 ambiguous, overbroad, and compound. In particular, the Administration Defendants object to the  
4 phrase “deeply meaningful” as vague and ambiguous, and object to the terms “individuals,”  
5 “families,” and “communities” as vague, ambiguous, and overbroad. The Administration  
6 Defendants further object that the Request is vague, ambiguous, overbroad, and unduly  
7 burdensome insofar as it asks the Administration to determine what is or is not “deeply  
8 meaningful” to unspecified “individuals,” “families,” and “communities.” The Administration  
9 Defendants further object that the Request is vague, ambiguous, overbroad, and unduly  
10 burdensome insofar as it juxtaposes the phrase “deeply meaningful” with a reference to the “State  
11 of California,” an inanimate political body.

12           Subject to and without waiver of the foregoing objections, the Administration  
13 Defendants admit that the California Supreme Court has stated that “the structure of society itself  
14 largely depends upon the institution of marriage” and that marriage is “at once the most socially  
15 productive and individually fulfilling relationship that one can enjoy in the course of a lifetime.”  
16 *See Marvin v. Marvin*, 18 Cal. 3d 660, 684 (1976). The California Supreme Court has also stated  
17 that “there is a strong public policy favoring marriage.” *See Koebke v. Bernardo Heights*  
18 *Country Club*, 36 Cal. 4th 824, 844 (2005) (citing *Norman v. Unemployment Ins. Appeals Bd.*, 34  
19 Cal. 3d 1, 9 (1983))(emphasis in original). The California Supreme Court has also stated that  
20 “[t]he family is the basic unit of our society, the center of the personal affections that ennoble and  
21 enrich human life. It channels biological drives that might otherwise become socially  
22 destructive; it ensures the care and education of children in a stable environment; it establishes  
23 continuity from one generation to another; it nurtures and develops the individual initiative that  
24 distinguishes a free people. Since the family is the core of our society, the law seeks to foster and  
25 preserve marriage.” *See De Burgh v. De Burgh*, 39 Cal. 2d 858, 864 (1952).

26 **REQUEST FOR ADMISSION NO. 3:**

27           Admit that marriage is a public expression of love and long-term commitment.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

2           The Administration Defendants object to this Request on the grounds that it is  
3 vague and overbroad. In particular, the Administration Defendants object to this Request as  
4 vague and overbroad insofar as it seeks a broad characterization of unspecified individuals’  
5 marriages and/or marriage as an abstract concept with no limitation as to time period or  
6 geographical location.

7           Subject to and without waiver of the foregoing objections, the Administration  
8 Defendants admit that for some, marriage can be a public expression of love and long-term  
9 commitment.

10 **REQUEST FOR ADMISSION NO. 4:**

11           Admit that no other designation offers the same meaning, obligations, rights, and  
12 benefits as marriage itself.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

14           The Administration Defendants object to this Request on the grounds that it is  
15 vague, ambiguous, overbroad, and compound. In particular, the Administration Defendants  
16 object to the terms “offers” and “meaning” as vague, ambiguous, and overbroad, particularly  
17 insofar as the Request would require the Administration Defendants to attribute any singular or  
18 universal “meaning” to “marriage itself.” The Administration Defendants further object to the  
19 extent that this Request calls for a legal conclusion. The Administration Defendants observe that  
20 California Family Code section 297.5(a) provides that “[r]egistered domestic partners shall have  
21 the same rights, protections, and benefits, and shall be subject to the same responsibilities,  
22 obligations, and duties under law, whether they derive from statutes, administrative regulations,  
23 court rules, government policies, common law, or any other provisions or sources of law, as are  
24 granted to and imposed upon spouses.” To the extent that this Request seeks a delineation of the  
25 legal differences between marriages and domestic partnerships, the California Supreme Court has  
26 already rendered a decision on that issue. *See In re Marriage Cases*, 43 Cal. 4th 757, 779-80  
27 fn.2; 805 fn.24 (2008) (holding that domestic partnership provides “all of the significant legal  
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1 rights and obligations traditionally associated under state law with the institution of marriage”  
2 but listing nine legal differences between the two institutions).

3           Subject to and without waiver of the foregoing objections, the Administration  
4 Defendants lack knowledge or information sufficient to admit or deny this Request.

5 **REQUEST FOR ADMISSION NO. 5:**

6           Admit that marriage brings with it many tangible legal rights, privileges, benefits,  
7 and obligations to the married individuals and also confers significant intangible benefits.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

9           The Administration Defendants object to this Request on the grounds that it is  
10 vague, ambiguous, overbroad, and compound. In particular, the Administration Defendants  
11 object to the phrase “significant intangible benefits” as vague, ambiguous, and overbroad.

12           Subject to and without waiver of the foregoing objections, the Administration  
13 Defendants admit that California law confers certain legal rights, privileges, benefits, and  
14 obligations to married individuals.

15 **REQUEST FOR ADMISSION NO. 6:**

16           Admit that the tangible and intangible benefits of marriage flow to the married  
17 couple’s children.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

19           The Administration Defendants object to this Request on the grounds that it is  
20 vague, ambiguous, overbroad, unduly burdensome, and compound. In particular, the  
21 Administration Defendants object to this Request as vague, ambiguous, and unduly burdensome  
22 insofar as the Request would require the Administration to make a broad, general assessment of  
23 whether or not unspecified “married couple’s children” are or are not the beneficiaries of various  
24 unspecified “tangible” and “intangible benefits.”

25           Subject to and without waiver of the foregoing objections, the Administration  
26 Defendants admit that the California Supreme Court has stated that “[s]ociety, of course, has an  
27 overriding interest in the welfare of children, and the role marriage plays in facilitating a stable  
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1 family setting in which children may be raised by two loving parents unquestionably furthers the  
2 welfare of children and society.” *In re Marriage Cases*, 43 Cal. 4th 757, 815 (2008).

3 **REQUEST FOR ADMISSION NO. 7:**

4 Admit that marriage legitimizes children and provides them a sense of security.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

6 The Administration Defendants object to this Request on the grounds that it is  
7 vague, ambiguous, overbroad, unduly burdensome, and compound. In particular, the  
8 Administration Defendants object to the term “legitimizes” and the phrase “a sense of security”  
9 as vague and ambiguous. The Administration Defendants further object to this Request as vague,  
10 ambiguous, overbroad, and unduly burdensome insofar as it would require the Administration to  
11 determine whether or not unspecified “children” are provided “a sense of security” by  
12 “marriage.”

13 Subject to and without waiver of the foregoing objections, the Administration  
14 Defendants admit that the California Supreme Court has stated that “[s]ociety, of course, has an  
15 overriding interest in the welfare of children, and the role marriage plays in facilitating a stable  
16 family setting in which children may be raised by two loving parents unquestionably furthers the  
17 welfare of children and society.” *In re Marriage Cases*, 43 Cal. 4th 757, 815 (2008). The  
18 Administration Defendants deny that the marital status of parents affects whether children are  
19 “legitimate.” *See Johnson v. Calvert*, 5 Cal. 4th 84, 88 (1993) (holding that adoption of Uniform  
20 Parentage Act “eliminate[d] the legal distinction between legitimate and illegitimate children.”);  
21 Fam. Code § 7602 (relation of parent and child exists “regardless of the marital status of the  
22 parents”).

23 **REQUEST FOR ADMISSION NO. 8:**

24 Admit that Plaintiffs desire to marry their partners.

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

2           The Administration Defendants admit that Plaintiffs allege that they desire to  
3 marry their partners. *See* Complaint for Declaratory, Injunctive, or Other Relief (Docket # 1) at  
4 ¶¶ 7, 31. The Administration Defendants have no knowledge or information to the contrary.

5 **REQUEST FOR ADMISSION NO. 9:**

6           Admit that for gay and lesbian individuals, such as Plaintiffs, marriage to an  
7 individual of the opposite sex is not a meaningful alternative, because such marriage would force  
8 them to negate their sexual orientation and identity.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10           The Administration Defendants object to this Request on the grounds that it is  
11 vague, ambiguous, overbroad, compound, and unduly burdensome. In particular, the  
12 Administration Defendants object to the phrases “meaningful alternative” and “negate their  
13 sexual orientation and identity” as vague and ambiguous. The Administration Defendants further  
14 object to this Request as vague, ambiguous, and overbroad insofar as it would require the  
15 Administration to make a generalized assessment of whether unspecified “gay and lesbian  
16 individuals” would be forced to “negate their sexual orientation and identity” by virtue of  
17 “marriage to an individual of the opposite sex.”

18 **REQUEST FOR ADMISSION NO. 10:**

19           Admit that civil marriage has never been a static institution. Historically, it has  
20 changed, sometimes dramatically, to reflect the changing needs, values, and understanding of our  
21 evolving society.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

23           The Administration Defendants object to this Request as vague, ambiguous,  
24 overbroad, and unduly burdensome. In particular, the Administration Defendants object to the  
25 undefined terms “static institution,” “dramatically,” “needs,” “values,” “understanding,” and  
26 “evolving society” as vague and ambiguous.

1 Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants admit that the California Supreme Court has stated that “[m]any examples exist of  
3 legal doctrines that once were viewed as central components of the civil institution of  
4 marriage—such as the doctrine of coverture under which the wife’s legal identity was treated as  
5 merged into that of her husband, whose property she became, or the doctrine of recrimination  
6 which significantly limited the circumstances under which a marriage could be legally  
7 terminated, or the numerous legal rules based upon the differing roles historically occupied by a  
8 man and by a woman in the marriage relationship and in family life generally.” *In re Marriage*  
9 *Cases*, 43 Cal. 4th 757, 850 (2008).

10 **REQUEST FOR ADMISSION NO. 11:**

11 Admit that California banned interracial marriage from the founding of the State  
12 until the California Supreme Court invalidated the prohibition in *Perez v. Sharp*, 32 Cal. 2d 711  
13 (1948).

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

15 The Administration Defendants admit that, prior to the California Supreme  
16 Court’s decision in *Perez v. Sharp*, 32 Cal. 2d 711 (1948), certain provisions in the California  
17 statutes regarding marriage, including certain provisions of the Civil Code, prohibited marriage  
18 between “white persons” and members of certain other “races.”

19 Except as so admitted, the Administration Defendants object to this Request as  
20 vague and ambiguous. In particular, the Administration Defendants object that Plaintiffs use the  
21 phrase “interracial marriage” in a manner that is vague and ambiguous.

22 **REQUEST FOR ADMISSION NO. 12:**

23 Admit that the doctrine of coverture, under which women, once married, lost their  
24 independent legal identity and became the property of their husbands, was once viewed as a  
25 central component of the civil institution of marriage.

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

2 The Administration Defendants object to this Request as vague, ambiguous,  
3 overbroad, and compound. In particular, the Administration Defendants object to the phrase  
4 “central component” as vague and ambiguous, and further object that this Request is overbroad  
5 in that it does not specify any individuals or groups of individuals who may or may not have  
6 “once viewed” the “doctrine of coverture” as a “central component of the civil institution of  
7 marriage” or identify any time period in which such views may or may not have been held.

8 Subject to and without waiver of the foregoing objections, the Administration  
9 Defendants admit that the California Supreme Court has stated that “[m]any examples exist of  
10 legal doctrines that once were viewed as central components of the civil institution of  
11 marriage—such as the doctrine of coverture under which the wife’s legal identity was treated as  
12 merged into that of her husband, whose property she became ... .” *In re Marriage Cases*, 43 Cal.  
13 4th 757, 850 (2008).

14 **REQUEST FOR ADMISSION NO. 13:**

15 Admit that neither the race- nor gender-based reforms in civil marriage law  
16 deprived marriage of its vitality and importance as [a] social institution.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

18 The Administration Defendants object to this Request as vague, ambiguous,  
19 overbroad, and compound. In particular, the Administration Defendants object to the phrase  
20 “vitality and importance as [a] social institution” as vague and ambiguous, and further object that  
21 this Request is overbroad in that it does not specify any particular “race[-based]” or “gender-  
22 based reforms” or any particular jurisdiction in which the unspecified “civil marriage law”  
23 referred to may or may not exist.

24 Subject to and without waiver of the foregoing objections, the Administration  
25 Defendants lack knowledge or information sufficient to admit or deny this Request.

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1 **REQUEST FOR ADMISSION NO. 14:**

2 Admit that the persecution suffered by gay and lesbian individuals in the United  
3 States has been severe.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

5 The Administration Defendants admit that gay and lesbian individuals in the  
6 United States have been subject to discrimination. The Administration Defendants further admit  
7 that in 2003, the California Legislature adopted AB 205, the Domestic Partner Rights and  
8 Responsibilities Act of 2003 (Stats. 2003, ch. 421), which stated in part that “The Legislature  
9 hereby finds and declares that despite longstanding social and economic discrimination, many  
10 lesbian, gay, and bisexual Californians have formed lasting, committed, and caring relationships  
11 with persons of the same sex.” The Administration Defendants further admit that the California  
12 Supreme Court has stated that sexual orientation “is a characteristic that frequently has been the  
13 basis for biased and improperly stereotypical treatment.” *See In re Marriage Cases*, 43 Cal. 4th  
14 757, 844 (2008).

15 Except as so admitted, the Administration Defendants object to this Request as  
16 vague, ambiguous, and overbroad. In particular, the Administration Defendants object to the  
17 term “severe” as vague and ambiguous.

18 **REQUEST FOR ADMISSION NO. 15:**

19 Admit that gay and lesbian individuals have been subjected to and stigmatized by  
20 a long history of purposeful and invidious discrimination that continues to this day.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

22 The Administration Defendants admit that gay and lesbian individuals have been  
23 subject to discrimination. The Administration Defendants further admit that in 2003, the  
24 California Legislature adopted AB 205, the Domestic Partner Rights and Responsibilities Act of  
25 2003 (Stats. 2003, ch. 421), which stated in part that “The Legislature hereby finds and declares  
26 that despite longstanding social and economic discrimination, many lesbian, gay, and bisexual  
27 Californians have formed lasting, committed, and caring relationships with persons of the same  
28

1 sex.” The Administration Defendants further admit that the California Supreme Court has stated  
2 that sexual orientation “is a characteristic that frequently has been the basis for biased and  
3 improperly stereotypical treatment.” See *In re Marriage Cases*, 43 Cal. 4th 757, 844 (2008).

4 Except as so admitted, the Administration Defendants object to this Request as  
5 vague, ambiguous, and overbroad. In particular, the Administration Defendants object to the  
6 phrase “long history” and the term “stigmatized” as vague and ambiguous.

7 **REQUEST FOR ADMISSION NO. 16:**

8 Admit that gay and lesbian individuals are still among the most stigmatized  
9 groups in the country.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

11 The Administration Defendants admit that gay and lesbian individuals in the  
12 United States have been subject to discrimination. The Administration Defendants further admit  
13 that in 2003, the California Legislature adopted AB 205, the Domestic Partner Rights and  
14 Responsibilities Act of 2003 (Stats. 2003, ch. 421), which stated in part that “The Legislature  
15 hereby finds and declares that despite longstanding social and economic discrimination, many  
16 lesbian, gay, and bisexual Californians have formed lasting, committed, and caring relationships  
17 with persons of the same sex.” The Administration Defendants further admit that the California  
18 Supreme Court has stated that sexual orientation “is a characteristic that frequently has been the  
19 basis for biased and improperly stereotypical treatment.” See *In re Marriage Cases*, 43 Cal. 4th  
20 757, 844 (2008).

21 Except as so admitted, the Administration Defendants object to this Request as  
22 vague, ambiguous, and overbroad. In particular, the Administration Defendants object to the  
23 phrase “most stigmatized” as vague and ambiguous.

24 **REQUEST FOR ADMISSION NO. 17:**

25 Admit that hate crimes against gay and lesbian individuals remain prevalent.

26 / / /

27 / / /

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

2           The Administration Defendants admit that gay and lesbian individuals have been  
3 subject to hate crimes.

4           Except as so admitted, the Administration Defendants object to this Request as  
5 vague, ambiguous, and overbroad. In particular, the Administration Defendants object to the  
6 term “prevalent” as vague and ambiguous.

7 **REQUEST FOR ADMISSION NO. 18:**

8           Admit that although social antipathy toward gay and lesbian individuals has  
9 moderated, these groups suffer from continuing political disabilities and discrimination.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

11           The Administration Defendants admit that gay and lesbian individuals have been  
12 subject to discrimination.

13           Except as so admitted, the Administration Defendants object to this Request as  
14 vague, ambiguous, compound, and overbroad. In particular, the Administration Defendants  
15 object to the phrases “social antipathy” and “political disabilities” and the term “moderated” as  
16 vague and ambiguous.

17 **REQUEST FOR ADMISSION NO. 19:**

18           Admit that sexual orientation bears no relation to a person’s ability to perform or  
19 contribute to society.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

21           The Administration Defendants admit that the California Supreme Court has  
22 stated that sexual orientation “generally bears no relation to an individual’s ability to perform or  
23 contribute to society.” *See In re Marriage Cases*, 43 Cal. 4th 757, 844 (2008).

24           Except as so admitted, the Administration Defendants object to this Request as  
25 vague, ambiguous, and overbroad. In particular, the Administration Defendants object to the  
26 phrase “perform or contribute to society” as vague and ambiguous.

27 / / /

1 **REQUEST FOR ADMISSION NO. 20:**

2 Admit that the medical and psychiatric communities do not consider sexual  
3 orientation an illness or disorder.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

5 The Administration Defendants object to this Request as vague, ambiguous, and  
6 overbroad. In particular, the Administration Defendants object to the phrases “medical and  
7 psychiatric communities,” “sexual orientation,” and “illness or disorder” as vague and  
8 ambiguous.

9 Subject to and without waiver of the foregoing objections, the Administration  
10 Defendants have no knowledge that any medical or psychiatric organization currently considers  
11 homosexuality to be an “illness or disorder.” *See In re Marriage Cases*, 43 Cal. 4th 757, 821  
12 (2008) (“California has repudiated past practices and policies that . . . at one time even  
13 characterized homosexuality as a mental illness rather than as simply one of the numerous  
14 variables of our common and diverse humanity.”)

15 **REQUEST FOR ADMISSION NO. 21:**

16 Admit that same-sex sexual orientation does not result in any impairment in  
17 judgment or general social and vocational capabilities.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

19 The Administration Defendants admit that the California Supreme Court has  
20 stated that sexual orientation “generally bears no relation to an individual’s ability to perform or  
21 contribute to society.” *See In re Marriage Cases*, 43 Cal. 4th 757, 844 (2008).

22 Except as so admitted, the Administration Defendants object on the grounds that  
23 this Request is vague, ambiguous, and overbroad. In particular, the Administration Defendants  
24 object to the phrase “general social and vocational capabilities” as vague and ambiguous.

25 **REQUEST FOR ADMISSION NO. 22:**

26 Admit that it is the policy of the State of California that sexual orientation bears  
27 no relation to an individual’s ability to raise children, to an individual’s capacity to enter into a

1 relationship that is analogous to marriage, or otherwise to participate fully in all economic and  
2 social institutions.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

4           The Administration Defendants object to this Request as vague, ambiguous,  
5 overbroad, and compound. In particular, the Administration Defendants object to the phrases  
6 “policy of the State of California,” “relationship that is analogous to marriage,” and “participate  
7 fully in all economic and social institutions” as vague and ambiguous.

8           Subject to and without waiver of the foregoing objections, the Administration  
9 Defendants admit that California law does not prohibit individuals from raising children on the  
10 basis of sexual orientation. *See* Welf. & Inst. Code § 16013(a) (“It is the policy of this state that  
11 all persons engaged in providing care and services to foster children, including, but not limited  
12 to, foster parents, adoptive parents, relative caregivers, and other caregivers contracting with a  
13 county welfare department, shall have fair and equal access to all available programs, services,  
14 benefits, and licensing processes, and shall not be subjected to discrimination or harassment on  
15 the basis of their clients’ or their own actual or perceived race, ethnic group identification,  
16 ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or  
17 physical disability, or HIV status.”); Fam. Code § 297.5(d) (“The rights and obligations of  
18 registered domestic partners with respect to a child of either of them shall be the same as those of  
19 spouses.”); *Elisa B. v. Superior Court*, 37 Cal. 4th 108, 113 (2005) (holding that “a woman who  
20 agreed to raise children with her lesbian partner, supported her partner’s artificial insemination  
21 using an anonymous donor, and received the resulting twin children into her home and held them  
22 out as her own, is the children’s parent under the Uniform Parentage Act and has an obligation to  
23 support them.”)

24           The Administration Defendants further admit that in 2003, the California  
25 Legislature adopted AB 205, the Domestic Partner Rights and Responsibilities Act of 2003  
26 (Stats. 2003, ch. 421), which stated in part that “The Legislature hereby finds and declares that  
27 despite longstanding social and economic discrimination, many lesbian, gay, and bisexual

1 Californians have formed lasting, committed, and caring relationships with persons of the same  
2 sex.” The Administration Defendants further admit that California Family Code section 297.5(a)  
3 provides that “[r]egistered domestic partners shall have the same rights, protections, and benefits,  
4 and shall be subject to the same responsibilities, obligations, and duties under law, whether they  
5 derive from statutes, administrative regulations, court rules, government policies, common law,  
6 or any other provisions or sources of law, as are granted to and imposed upon spouses.”

7 The Administration Defendants further admit that the California Supreme Court  
8 has stated that sexual orientation “generally bears no relation to an individual’s ability to perform  
9 or contribute to society.” *See In re Marriage Cases*, 43 Cal. 4th 757, 844 (2008).

10 **REQUEST FOR ADMISSION NO. 23:**

11 Admit that “[s]exual orientation and sexual identity is so fundamental to one’s  
12 identity that a person should not be required to abandon them.” *Hernandez-Montiel v. I.N.S.*, 225  
13 F.3d 1084, 1093 (9th Cir. 2000).

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

15 The Administration Defendants object to this Request to the extent that it calls for  
16 a legal conclusion.

17 Subject to and without waiver of the foregoing objection, the Administration  
18 Defendants admit that the Request accurately quotes *Hernandez-Montiel v. I.N.S.*, 225 F.3d 1084,  
19 1093 (9th Cir. 2000).

20 **REQUEST FOR ADMISSION NO. 24:**

21 Admit that sexual orientation is fundamental to a person’s identity.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

23 The Administration Defendants object to this Request as vague, ambiguous, and  
24 overbroad. In particular, the Administration Defendants object to the terms “fundamental” and  
25 “identity” as vague and ambiguous, and object to this Request as vague, ambiguous, and  
26 overbroad in that it would require the Administration Defendants to assess what is or is not  
27 “fundamental” to the “identity” of an unspecified, abstract, and/or hypothetical “person.”

1           Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants admit that the California Supreme Court has stated that “[b]ecause a person’s sexual  
3 orientation is so integral an aspect of one’s identity, it is not appropriate to require a person to  
4 repudiate or change his or her sexual orientation in order to avoid discriminatory treatment.”  
5 *In re Marriage Cases*, 43 Cal. 4th 757, 842 (2008).

6 **REQUEST FOR ADMISSION NO. 25:**

7           Admit that there is no credible evidence that sexual orientation can or should be  
8 changed.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

10           The Administration Defendants object to this Request as vague, ambiguous,  
11 compound, and overbroad. In particular, the Administration Defendants object to the phrase  
12 “credible evidence” as vague and ambiguous.

13           Subject to and without waiver of the foregoing objections, the Administration  
14 Defendants admit that the California Supreme Court has stated that “[b]ecause a person’s sexual  
15 orientation is so integral an aspect of one’s identity, it is not appropriate to require a person to  
16 repudiate or change his or her sexual orientation in order to avoid discriminatory treatment.”  
17 *In re Marriage Cases*, 43 Cal. 4th 757, 842 (2008).

18 **REQUEST FOR ADMISSION NO. 26:**

19           Admit that it can be harmful to an individual to attempt to change his or her  
20 sexual orientation.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

22           The Administration Defendants object to this Request as vague, ambiguous, and  
23 overbroad. In particular, the Administration Defendants object to the terms “harmful” and  
24 “attempt” as vague and ambiguous. The Administration Defendants further object to this  
25 Request as vague, ambiguous, and overbroad insofar as it would require the Administration to  
26 assess whether it could be “harmful” to an unspecified, abstract and/or hypothetical person to  
27 “attempt” to “change his or her sexual orientation.”

1           Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants admit that the California Supreme Court has stated that “[b]ecause a person’s sexual  
3 orientation is so integral an aspect of one’s identity, it is not appropriate to require a person to  
4 repudiate or change his or her sexual orientation in order to avoid discriminatory treatment.” *In*  
5 *re Marriage Cases*, 43 Cal. 4th 757, 842 (2008).

6 **REQUEST FOR ADMISSION NO. 27:**

7           Admit that forcing an individual to change his or her sexual orientation would  
8 infringe on “the protected right of homosexual adults to engage in intimate, consensual conduct,”  
9 which is “an integral part of human freedom.” *Lawrence v. Texas*, 539 U.S. 558, 576-77 (2003).

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

11           The Administration Defendants object to this Request to the extent that it would  
12 require the Administration to reach a legal conclusion.

13           Subject to and without waiver of this objection, the Administration Defendants  
14 admit that this Request accurately quotes two phrases from *Lawrence v. Texas*, 539 U.S. 558,  
15 576-77 (2003). The Administration Defendants further admit that the California Supreme Court  
16 has stated that “[b]ecause a person’s sexual orientation is so integral an aspect of one’s identity, it  
17 is not appropriate to require a person to repudiate or change his or her sexual orientation in order  
18 to avoid discriminatory treatment.” *In re Marriage Cases*, 43 Cal. 4th 757, 842 (2008).

19 **REQUEST FOR ADMISSION NO. 28:**

20           Admit that sexual orientation is the kind of distinguishing characteristic that  
21 defines gay and lesbian individuals as a discrete group.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

23           The Administration Defendants object to this Request as vague, ambiguous, and  
24 overbroad. In particular, the Administration Defendants object to the phrases “the kind of  
25 distinguishing characteristic” and “discrete group” as vague and ambiguous. The Administration  
26 Defendants further object to the extent that this Request would require the Administration to  
27 reach a legal conclusion.

1 Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants lack knowledge or information sufficient to admit or deny this Request.

3 **REQUEST FOR ADMISSION NO. 29:**

4 Admit that discrimination against gay and lesbian individuals, including through  
5 hate crimes, exists to this day.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

7 The Administration Defendants admit that gay and lesbian individuals have been  
8 subject to discrimination, including through hate crimes.

9 Except as so admitted, the Administration Defendants object to this Request as  
10 vague, ambiguous, duplicative, unduly burdensome, and overbroad.

11 **REQUEST FOR ADMISSION NO. 30:**

12 Admit that there are only three openly gay members of the U.S. House of  
13 Representatives and no openly gay Senators.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 30:**

15 The Administration Defendants lack knowledge or information sufficient to admit  
16 or deny this Request.

17 **REQUEST FOR ADMISSION NO. 32: [sic]**

18 Admit that there are no openly gay governors.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 32: [sic]**

20 The Administration Defendants lack knowledge or information sufficient to admit  
21 or deny this Request.

22 **REQUEST FOR ADMISSION NO. 32:**

23 Admit that no openly gay person has ever been appointed to a Cabinet Secretary  
24 position.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 32:**

26 The Administration Defendants object to this Request on the grounds that it is  
27 vague and ambiguous. In particular, the Administration Defendants object to the phrase “a  
28

1 Cabinet Secretary position” as vague and ambiguous insofar as this Request does not specify the  
2 “Cabinet” to which it refers.

3           Subject to and without waiver of the foregoing objections, because the  
4 Administration Defendants are unaware of the identity of the “Cabinet” about which this Request  
5 inquires, the Administration Defendants lack knowledge or information sufficient to admit or  
6 deny this Request.

7 **REQUEST FOR ADMISSION NO. 33:**

8           Admit that 52% of California voters voted in favor of Prop. 8, which denied gay  
9 and lesbian individuals the right to marry.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 33:**

11           The Administration Defendants admit that in the November 4, 2008 general  
12 election, Proposition 8 was approved by approximately 52.3% of those California voters who  
13 voted on Proposition 8. The Administration Defendants further admit that Proposition 8  
14 amended the California Constitution by adding a provision that states: “Only marriage between a  
15 man and a woman is valid or recognized in California.” Cal. Const. art. I, § 7.5.

16 **REQUEST FOR ADMISSION NO. 34:**

17           Admit that fewer than half of the States ban sexual orientation discrimination in  
18 employment, housing, and/or accommodations.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 34:**

20           The Administration Defendants lack knowledge or information sufficient to admit  
21 or deny this Request.

22 **REQUEST FOR ADMISSION NO. 35:**

23           Admit that lesbians and gay men have been unable to secure national legislation to  
24 protect them from hate crimes.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 35:**

26           The Administration Defendants lack knowledge or information sufficient to admit  
27 or deny this Request.

1 **REQUEST FOR ADMISSION NO. 36:**

2 Admit that lesbians and gay men have been unable to secure national legislation to  
3 protect them from discrimination in housing, employment, or public accommodations.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

5 The Administration Defendants lack knowledge or information sufficient to admit  
6 or deny this Request.

7 **REQUEST FOR ADMISSION NO. 37:**

8 Admit that establishing a separate legal institution for State recognition and  
9 support of lesbian and gay families, even if well-intentioned, marginalizes and stigmatizes gay  
10 families.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

12 The Administration Defendants object to this Request as vague, ambiguous,  
13 overbroad, and compound. In particular, the Administration Defendants object to the phrases  
14 “separate legal institution,” “well-intentioned,” “marginalizes and stigmatizes,” and “gay  
15 families” as vague and ambiguous.

16 Subject to and without waiver of the foregoing objections, the Administration  
17 Defendants lack knowledge or information sufficient to admit or deny this Request.

18 **REQUEST FOR ADMISSION NO. 38:**

19 Admit that there is a significant symbolic disparity between domestic partnership  
20 and marriage.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

22 The Administration Defendants object to this Request as vague, ambiguous,  
23 overbroad, and compound. In particular, the Administration Defendants object to the phrase  
24 “symbolic disparity” as vague and ambiguous.

25 Subject to and without waiver of the foregoing objections, the Administration  
26 Defendants lack knowledge or information sufficient to admit or deny this Request.

27 / / /

1 **REQUEST FOR ADMISSION NO. 39:**

2 Admit that denying same-sex couples and their families access to the familiar and  
3 favorable official designation “marriage” harms them by denying their family relationships them  
4 [sic] the same dignity and respect afforded to opposite-sex couples and their families.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

6 The Administration Defendants object to this Request as vague, ambiguous,  
7 overbroad, and compound. In particular, the Administration Defendants object to the phrase  
8 “familiar and favorable” as vague and ambiguous.

9 Subject to and without waiver of the foregoing objections, the Administration  
10 Defendants lack knowledge or information sufficient to admit or deny this Request.

11 **REQUEST FOR ADMISSION NO. 40:**

12 Admit that the inability to marry relegates gay and lesbian relationships to  
13 second-class status.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

15 The Administration Defendants object to this Request as vague, ambiguous,  
16 overbroad, and compound. In particular, the Administration Defendants object to the phrase  
17 “second-class status” as vague and ambiguous.

18 Subject to and without waiver of the foregoing objections, the Administration  
19 Defendants lack knowledge or information sufficient to admit or deny this Request.

20 **REQUEST FOR ADMISSION NO. 41:**

21 Admit that because two types of relationships—one for same-sex couples and one  
22 for opposite-sex couples—exist in California, a gay or lesbian individual is forced to disclose his  
23 or her sexual orientation when asked about his or her martial [sic] status.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

25 Denied.

26 / / /

27 / / /

1 **REQUEST FOR ADMISSION NO. 42:**

2 Admit that in light of the history of discrimination that gay and lesbian individuals  
3 have faced, the creation of the alternative regime of domestic partnership reinforces anti-gay  
4 prejudice, which has the potential to escalate into violence.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 42:**

6 The Administration Defendants object to this Request as vague, ambiguous, and  
7 compound. In particular, the Administration Defendants object to the phrase “alternative  
8 regime” as vague and ambiguous.

9 Subject to and without waiver of the foregoing objections, the Administration  
10 Defendants lack knowledge or information sufficient to admit or deny this Request.

11 **REQUEST FOR ADMISSION NO. 43:**

12 Admit that the stigma associated with discrimination and second-class treatment  
13 takes a toll on the well-being of gay men and lesbians and their families.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

15 The Administration Defendants object to this Request as vague, ambiguous, and  
16 compound. The Administration Defendants lack knowledge or information sufficient to admit or  
17 deny this Request.

18 **REQUEST FOR ADMISSION NO. 44:**

19 Admit that private, consensual, sexual relations between gay and lesbian couples  
20 are protected by the Due Process Clause of the Fourteenth Amendment.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

22 The Administration Defendants object to this Request insofar as it requires the  
23 Administration to reach a legal conclusion.

24 Subject to and without waiver of the foregoing objection, the Administration  
25 Defendants admit that the United States Supreme Court found in *Lawrence v. Texas*, 539 U.S.  
26 558, 578 (2003) that “... two adults who, with full and mutual consent from each other, engaged  
27 in sexual practices common to a homosexual lifestyle ... are entitled to respect for their private

1 lives. The State cannot demean their existence or control their destiny by making their private  
2 sexual conduct a crime. Their right to liberty under the Due Process Clause gives them the full  
3 right to engage in their conduct without intervention of the government.”

4 **REQUEST FOR ADMISSION NO. 45:**

5 Admit that notions that marriage should be limited to opposite-sex couples  
6 reinforces harmful stereotypes regarding innate gender characteristics and the roles of men and  
7 women in child rearing and family responsibilities.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 45:**

9 The Administration Defendants object to this Request as vague, ambiguous, and  
10 compound. The Administration Defendants lack knowledge or information sufficient to admit or  
11 deny this Request.

12 **REQUEST FOR ADMISSION NO. 46:**

13 Admit that gay and lesbian individuals had a constitutional right to marry before  
14 Prop. 8.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 46:**

16 The Administration Defendants admit that the California Supreme Court held in  
17 *In re Marriage Cases*, 43 Cal. 4th 757, 785 (2008) that “to the extent the current California  
18 statutory provisions limit marriage to opposite-sex couples, these statutes are unconstitutional.”  
19 The Administration Defendants further admit that Proposition 8 subsequently amended the  
20 California Constitution by adding a provision that states: “Only marriage between a man and a  
21 woman is valid or recognized in California.” Cal. Const. art. I, § 7.5.

22 **REQUEST FOR ADMISSION NO. 47:**

23 Admit that Prop. 8 eliminated the right of gay and lesbian individuals to marry.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 47:**

25 The Administration Defendants admit that the California Supreme Court held in  
26 *In re Marriage Cases*, 43 Cal. 4th 757, 785 (2008) that “to the extent the current California  
27 statutory provisions limit marriage to opposite-sex couples, these statutes are unconstitutional.”

1 The Administration Defendants further admit that Proposition 8 subsequently amended the  
2 California Constitution by adding a provision that states: “Only marriage between a man and a  
3 woman is valid or recognized in California.” Cal. Const. art. I, § 7.5.

4 **REQUEST FOR ADMISSION NO. 48:**

5 Admit that Prop. 8 was intended to strip the designation “marriage” from  
6 officially sanctioned relationships of same-sex couples.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 48:**

8 The Administration Defendants object to this Request as vague and ambiguous.  
9 In particular, the Administration Defendants object to the terms and phrases “was intended,”  
10 “strip,” and “officially sanctioned relationships” as vague and ambiguous. The Administration  
11 Defendants further object to this Request as vague and ambiguous in that the Plaintiffs’ use of  
12 passive voice renders it impossible for the Administration Defendants to discern whose “intent”  
13 Plaintiffs ask about.

14 Subject to and without waiver of the foregoing objections, the Administration  
15 Defendants admit that Proposition 8 amended the California Constitution by adding a provision  
16 that states: “Only marriage between a man and a woman is valid or recognized in California.”  
17 Cal. Const. art. I, § 7.5. The Administration Defendants further admit that the California  
18 Supreme Court in *Strauss v. Horton*, 46 Cal. 4th 364, 474 (2009) stated that “Proposition 8 does  
19 not apply retroactively and therefore that the marriages of same-sex couples performed prior to  
20 the effective date of Proposition 8 remain valid.”

21 **REQUEST FOR ADMISSION NO. 49:**

22 Admit that according to the official General Election Voter Information Guide,  
23 Prop. 8 “[c]hange[d] the California Constitution to eliminate the right of same-sex couples to  
24 marry in California.” *Strauss v. Horton*, 207 P.3d 48, 77 (Cal. 2009) (internal quotation marks  
25 omitted).

26 / / /

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 49:**

2           The Administration Defendants admit that the California Supreme Court stated in  
3 *Strauss v. Horton*, 46 Cal. 4th 364, 411 (2009) that “the Attorney General’s summary indicated  
4 that Proposition 8 ‘[c]hanges the California Constitution to eliminate the right of same-sex  
5 couples to marry in California.’”

6           Except as so admitted, the Administration Defendants note that the General  
7 Election Voter Information Guide is publicly available, and speaks for itself.

8 **REQUEST FOR ADMISSION NO. 50:**

9           Admit that Prop. 8 was driven by moral disapproval of gay and lesbian  
10 individuals.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 50:**

12           The Administration Defendants object to this Request on the grounds that it is  
13 vague and ambiguous. In particular, the Administration Defendants object to the phrases “was  
14 driven by” and “moral disapproval” as vague and ambiguous. The Administration Defendants  
15 further object to this Request as vague and ambiguous in that the Plaintiffs’ use of passive voice  
16 renders it impossible for the Administration Defendants to discern whose “moral disapproval”  
17 Plaintiffs ask about.

18           Subject to and without waiver of the foregoing objections, the Administration  
19 Defendants lack knowledge or information sufficient to admit or deny this Request.

20 **REQUEST FOR ADMISSION NO. 51:**

21           Admit that the advertising campaign in favor of Prop. 8 demonstrates that its  
22 supporters drew on the fears and irrational prejudices of voters.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 51:**

24           The Administration Defendants object to this Request on the grounds that it is  
25 vague, ambiguous, and overbroad. In particular, the Administration Defendants object to the  
26 term “fears” and the phrase “irrational prejudices” as vague and ambiguous.

1                   Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants lack knowledge or information sufficient to admit or deny this Request.

3 **REQUEST FOR ADMISSION NO. 52:**

4                   Admit that heterosexual individuals with no children and/or no intent to have  
5 children, who are incarcerated for serious crimes, who have failed to pay child support  
6 obligations or who are adulterers are all permitted to marry.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 52:**

8                   The Administration Defendants object to this Request as vague, ambiguous, and  
9 overbroad. In particular, the Administration Defendants object to the term “permitted” as vague,  
10 ambiguous, and overbroad, and objects to this Request as overbroad insofar as it requests  
11 information not limited to the legal parameters of marriage within the State of California  
12 pursuant to California law.

13                   Subject to and without waiver of the foregoing objections, the Administration  
14 Defendants admit that California law does not restrict heterosexual individuals with no children  
15 and/or no intent to have children from marrying on the basis of their status as a heterosexual  
16 individual with no children and/or no intent to have children. The Administration Defendants  
17 further admit that California law does not restrict individuals who have failed to pay child  
18 support obligations from marrying on the basis of their failure to pay child support obligations.  
19 The Administration Defendants further admit that California law does not restrict individuals  
20 who have committed adultery from marrying on the basis of having committed adultery.

21 **REQUEST FOR ADMISSION NO. 53:**

22                   Admit that allowing gay and lesbian individuals to marry will not destabilize  
23 marriages of heterosexual individuals.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 53:**

25                   The Administration Defendants object to this Request as vague, ambiguous, and  
26 overbroad. In particular, the Administration Defendants object to the term “destabilize” as vague  
27 and ambiguous.

1 Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants lack knowledge or information sufficient to admit or deny this Request.

3 **REQUEST FOR ADMISSION NO. 54:**

4 Admit that allowing gay and lesbian individuals to marry will not deprive  
5 heterosexual individuals of any rights or benefits they currently enjoy.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 54:**

7 The Administration Defendants object to this Request as vague and ambiguous.  
8 The Administration Defendants further object to this Request insofar as it would require the  
9 Administration to reach a legal conclusion.

10 Subject to and without waiver of the foregoing objections, the Administration is  
11 not aware of any legal right or benefit existing under California law that heterosexual individuals  
12 would lose as a result of a hypothetical change in California law permitting gay and lesbian  
13 individuals to marry.

14 **REQUEST FOR ADMISSION NO. 55:**

15 Admit that it is the policy of the State of California that sexual orientation bears  
16 no relation to an individual's ability to raise children, to an individual's capacity to enter into a  
17 relationship that is analogous to marriage, or otherwise to participate fully in all economic and  
18 social institutions.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 55:**

20 The Administration Defendants object to this Request as duplicative. The  
21 Administration incorporates herein by reference its response to Request for Admission No. 22.

22 **REQUEST FOR ADMISSION NO. 56:**

23 Admit that the State of California has declared an interest in promoting lesbian  
24 and gay family relationships and protecting lesbian and gay family members during life crises,  
25 and reducing discrimination on the bases of sex and sexual orientation.

26 / / /

27 / / /

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 56:**

2           The Administration Defendants object to this Request as vague, ambiguous, and  
3 overbroad. In particular, the Administration Defendants object to the term “promoting” and the  
4 phrases “declared an interest,” “lesbian and gay family relationships,” and “life crises” as vague  
5 and ambiguous.

6           Subject to and without waiver of the foregoing objections, the Administration  
7 Defendants admit that in 2003, the California Legislature adopted AB 205, the Domestic Partner  
8 Rights and Responsibilities Act of 2003 (Stats. 2003, ch. 421), which stated in part that  
9 “[e]xpanding the rights and creating responsibilities of registered domestic partners would further  
10 California’s interests in promoting family relationships and protecting family members during  
11 life crises, and would reduce discrimination on the bases of sex and sexual orientation in a  
12 manner consistent with the requirements of the California Constitution.”

13 **REQUEST FOR ADMISSION NO. 57:**

14           Admit that the State of California allows gay men and lesbians in same-sex  
15 relationships to serve as foster parents and to adopt children.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 57:**

17           The Administration Defendants admit that California law does not prohibit  
18 individuals from serving as foster parents or adopting children on the basis of sexual orientation.  
19 *See* Welf. & Inst. Code § 16013(a) (“It is the policy of this state that all persons engaged in  
20 providing care and services to foster children, including, but not limited to, foster parents,  
21 adoptive parents, relative caregivers, and other caregivers contracting with a county welfare  
22 department, shall have fair and equal access to all available programs, services, benefits, and  
23 licensing processes, and shall not be subjected to discrimination or harassment on the basis of  
24 their clients’ or their own actual or perceived race, ethnic group identification, ancestry, national  
25 origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or  
26 HIV status.”); *see also Sharon S. v. Superior Court*, 31 Cal. 4th 417 (2003).

27 / / /

1 **REQUEST FOR ADMISSION NO. 58:**

2 Admit that an individual’s capacity to establish a loving and long-term committed  
3 relationship with another person does not depend on the individual’s sexual orientation.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 58:**

5 The Administration Defendants admit that in 2003, the California Legislature  
6 adopted AB 205, the Domestic Partner Rights and Responsibilities Act of 2003 (Stats. 2003, ch.  
7 421), which stated in part that “The Legislature hereby finds and declares that despite  
8 longstanding social and economic discrimination, many lesbian, gay, and bisexual Californians  
9 have formed lasting, committed, and caring relationships with persons of the same sex.”

10 **REQUEST FOR ADMISSION NO. 59:**

11 Admit that an individual’s capacity to raise children does not depend on the  
12 individual’s sexual orientation.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 59:**

14 The Administration Defendants admit that California law does not prohibit  
15 individuals from raising children on the basis of sexual orientation. The Administration  
16 Defendants further admit that the California Supreme Court has stated that “[California]’s current  
17 policies and conduct regarding homosexuality . . . recognize that gay individuals are fully capable  
18 of entering into the kind of loving and enduring committed relationships that may serve as the  
19 foundation of a family and of responsibly caring for and raising children.” *See In re Marriage*  
20 *Cases*, 43 Cal. 4th 757, 822 (2008).

21 **REQUEST FOR ADMISSION NO. 60:**

22 Admit that the best interests of a child are equally served by being raised by  
23 same-sex parents.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 60:**

25 The Administration Defendants object to this Request as vague, ambiguous, and  
26 overbroad. In particular, the Administration Defendants object to the phrases “best interests” and  
27 “equally served” as vague and ambiguous.

1           Subject to and without waiver of the foregoing objections, the Administration  
2 Defendants admit that California law does not prohibit individuals from raising children on the  
3 basis of sexual orientation. *See* Welf. & Inst. Code § 16013(a) (“It is the policy of this state that  
4 all persons engaged in providing care and services to foster children, including, but not limited  
5 to, foster parents, adoptive parents, relative caregivers, and other caregivers contracting with a  
6 county welfare department, shall have fair and equal access to all available programs, services,  
7 benefits, and licensing processes, and shall not be subjected to discrimination or harassment on  
8 the basis of their clients’ or their own actual or perceived race, ethnic group identification,  
9 ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or  
10 physical disability, or HIV status.”). The Administration Defendants further admit that the  
11 California Supreme Court has stated that “[California]’s current policies and conduct regarding  
12 homosexuality . . . recognize that gay individuals are fully capable of entering into the kind of  
13 loving and enduring committed relationships that may serve as the foundation of a family and of  
14 responsibly caring for and raising children.” *See In re Marriage Cases*, 43 Cal. 4th 757, 822  
15 (2008).

16 **REQUEST FOR ADMISSION NO. 61:**

17           Admit that lesbian and gay parents are as likely as heterosexual parents to provide  
18 supportive and healthy environments for children.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 61:**

20           The Administration Defendants object to this Request as vague, ambiguous, and  
21 overbroad.

22           Subject to and without waiver of the foregoing objections, the Administration  
23 Defendants admit that California law does not prohibit individuals from raising children on the  
24 basis of sexual orientation. *See* Welf. & Inst. Code § 16013(a) (“It is the policy of this state that  
25 all persons engaged in providing care and services to foster children, including, but not limited  
26 to, foster parents, adoptive parents, relative caregivers, and other caregivers contracting with a  
27 county welfare department, shall have fair and equal access to all available programs, services,  
28

1 benefits, and licensing processes, and shall not be subjected to discrimination or harassment on  
2 the basis of their clients' or their own actual or perceived race, ethnic group identification,  
3 ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or  
4 physical disability, or HIV status.”). The Administration Defendants further admit that the  
5 California Supreme Court has stated that “[California]’s current policies and conduct regarding  
6 homosexuality . . . recognize that gay individuals are fully capable of entering into the kind of  
7 loving and enduring committed relationships that may serve as the foundation of a family and of  
8 responsibly caring for and raising children.” *See In re Marriage Cases*, 43 Cal. 4th 757, 822  
9 (2008).

10 **REQUEST FOR ADMISSION NO. 62:**

11 Admit that the State of California allows same-sex couples married before Prop. 8  
12 was enacted to remain married.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 62:**

14 The Administration Defendants admit that the California Supreme Court held in  
15 *Strauss v. Horton*, 46 Cal. 4th 364, 474 (2009) that “Proposition 8 does not apply retroactively  
16 and therefore that the marriages of same-sex couples performed [pursuant to California law] prior  
17 to the effective date of Proposition 8 remain valid.”

18 **REQUEST FOR ADMISSION NO. 63:**

19 Admit that approximately 18,000 same-sex couples currently are recognized by  
20 the State of California as married.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 63:**

22 The Administration Defendants object to this Request as unduly burdensome  
23 insofar as it would require the Administration to ascertain the number of same-sex couples  
24 married pursuant to California law. The Administration Defendants further object to this  
25 Request as vague and ambiguous as to whether it refers exclusively to recognition of marriages  
26 performed within the State of California pursuant to California law, or to recognition of any  
27 marriages performed throughout the United States and/or the world. The Administration

1 Defendants presume this Request refers only to recognition of marriages performed within the  
2 State of California pursuant to California law, and respond accordingly.

3           Subject to and without waiver of this objection, the Administration Defendants  
4 admit that there are various projections that estimate that approximately 18,000 same-sex couples  
5 became married pursuant to California law following the finality of the *In re Marriage Cases*  
6 decision and prior to the adoption of Proposition 8. The Administration Defendants have no  
7 reasonable or practical means of confirming or refuting any such projections or estimates, as the  
8 Administration Defendants do not keep records of the sex, gender, or sexual orientation of  
9 individuals who obtain marriage licenses. The Administration Defendants further admit that the  
10 California Supreme Court held in *Strauss v. Horton*, 46 Cal. 4th 364, 474 (2009) that  
11 “Proposition 8 does not apply retroactively and therefore that the marriages of same-sex couples  
12 performed prior to the effective date of Proposition 8 remain valid.”

13 **REQUEST FOR ADMISSION NO. 64:**

14           Admit that if the marriages of any of approximately 18,000 same-sex couples  
15 currently recognized by the State of California as married end by reason of death or divorce, the  
16 gay and lesbian individuals in those marriages would not be allowed to remarry.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 64:**

18           The Administration Defendants object to this Request as unduly burdensome  
19 insofar as it would require the Administration to ascertain the number of same-sex couples  
20 married pursuant to California law as married. The Administration Defendants further object to  
21 this Request as vague and ambiguous as to whether it refers exclusively to recognition of  
22 marriages performed within the State of California pursuant to California law, or to recognition  
23 of any marriages performed throughout the United States and/or the world. The Administration  
24 Defendants presume this request refers only to recognition of marriages performed within the  
25 State of California pursuant to California law, and respond accordingly. The Administration  
26 Defendants further object to this Request as compound. The Administration Defendants further  
27

1 object to this Request insofar as it would require the Administration Defendants to reach a legal  
2 conclusion or otherwise opine on the legal consequences of a hypothetical scenario.

3           Subject to and without waiver of the foregoing objections, the Administration  
4 Defendants admit that, following the adoption of Proposition 8, California law precludes  
5 issuance of marriage licenses to same-sex couples. *See* Cal. Const. art. I, § 7.5 (“Only marriage  
6 between a man and a woman is valid or recognized in California.”).

7 **REQUEST FOR ADMISSION NO. 65:**

8           Admit that gay and lesbian individuals, including Plaintiffs, have formed lasting,  
9 committed, and caring relationships with persons of the same sex, and same-sex couples share  
10 their lives and participate in their communities together.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 65:**

12           The Administration Defendants admit that Plaintiffs Perry and Stier allege that  
13 they are “lesbian individuals in a committed relationship” and that Plaintiffs Katami and Zarrillo  
14 are “gay individuals in a committed relationship,” and that “[b]oth couples desire to express their  
15 love for and commitment to one another by getting married ... .” *See* Complaint for Declaratory,  
16 Injunctive, or Other Relief (Docket # 1) at ¶ 7. The Administration Defendants have no  
17 knowledge or information to the contrary. The Administration Defendants further admit that in  
18 2003, the California Legislature adopted AB 205, the Domestic Partner Rights and  
19 Responsibilities Act of 2003 (Stats. 2003, ch. 421), which stated in part that “The Legislature  
20 hereby finds and declares that despite longstanding social and economic discrimination, many  
21 lesbian, gay, and bisexual Californians have formed lasting, committed, and caring relationships  
22 with persons of the same sex.”

23 **REQUEST FOR ADMISSION NO. 66:**

24           Admit that gay and lesbian individuals, including Plaintiffs Perry and Stier, raise  
25 children together.

26 / / /

27 / / /

28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 66:**

2           The Administration Defendants admit that some gay and lesbian individuals raise  
3 children together. The Administration Defendants further admit that California law does not  
4 prohibit individuals from raising children on the basis of sexual orientation. *See* Welf. & Inst.  
5 Code § 16013(a) (“It is the policy of this state that all persons engaged in providing care and  
6 services to foster children, including, but not limited to, foster parents, adoptive parents, relative  
7 caregivers, and other caregivers contracting with a county welfare department, shall have fair and  
8 equal access to all available programs, services, benefits, and licensing processes, and shall not  
9 be subjected to discrimination or harassment on the basis of their clients’ or their own actual or  
10 perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual  
11 orientation, gender identity, mental or physical disability, or HIV status.”). The Administration  
12 Defendants lack knowledge or information sufficient to admit or deny this Request as to  
13 Plaintiffs Perry and Stier specifically.

14 **REQUEST FOR ADMISSION NO. 67:**

15           Admit that prohibiting marriage by same-sex couples hurts the State of California  
16 financially.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 67:**

18           The Administration Defendants object to this Request as vague, ambiguous, and  
19 overbroad.

20           Subject to and without waiver of the foregoing objections, the Administration  
21 Defendants respond by noting that none of them has knowledge or information sufficient to  
22 admit or deny this request.

23 **REQUEST FOR ADMISSION NO. 68:**

24           Admit that prohibiting marriage by same-sex couples limits the State of  
25 California’s ability to ensure that its citizens are treated equally regardless of sexual orientation.

26 / / /

27 / / /

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 68:**

2 The Administration Defendants object to this Request on the grounds that it is  
3 vague, ambiguous, overbroad, unduly burdensome, and calls for legal conclusions. The  
4 Administration Defendants cannot admit, deny, or otherwise respond substantively to this  
5 Request, as it is so vague and ambiguous as to be unintelligible.

6 **REQUEST FOR ADMISSION NO. 69:**

7 Admit that the inability to marry the person of their choice denies gays and  
8 lesbians, as well as their families, the personal and public affirmation that accompanies  
9 state-sanctioned civil marriage.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 69:**

11 The Administration Defendants object to this Request as vague, ambiguous, and  
12 overbroad. In particular, the Administration Defendants object to the phrase “personal and  
13 public affirmation” as vague and ambiguous.

14 Subject to and without waiver of the foregoing objections, the Administration  
15 Defendants lack knowledge or information sufficient to admit or deny this Request.

16 **REQUEST FOR ADMISSION NO. 71: [sic]**

17 Admit that under the California Constitution, gay and lesbian same-sex couples  
18 are unequal to heterosexual opposite-sex couples.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 71: [sic]**

20 The Administration Defendants object to this Request as vague and ambiguous.  
21 In particular, the Administration Defendants object to the term “unequal” as vague and  
22 ambiguous. The Administration Defendants further object to this Request insofar as it calls for a  
23 legal conclusion.

24 The Administration Defendants admit that Proposition 8 amended the California  
25 Constitution by adding a provision that states: “Only marriage between a man and a woman is  
26 valid or recognized in California.” Cal. Const. art. I, § 7.5.

27 / / /

1 **REQUEST FOR ADMISSION NO. 73:** [sic]

2 Admit that Prop. 8 imposed a special disability on gay and lesbian individuals  
3 alone.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 73:** [sic]

5 The Administration Defendants object to this Request as vague and ambiguous.  
6 In particular, the Administration Defendants object to the phrase “special disability” as vague and  
7 ambiguous. The Administration Defendants further object to this Request insofar as it calls for a  
8 legal conclusion.

9 The Administration Defendants admit that Proposition 8 amended the California  
10 Constitution by adding a provision that states: “Only marriage between a man and a woman is  
11 valid or recognized in California.” Cal. Const. art. I, § 7.5.

12 Dated: September 21, 2009

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1 Case Name: *Perry, et al. v. Schwarzenegger, et al.*;  
2 Case No: US District Court, Northern District, Case No. 3:09-cv-2292 VRW

3 **CERTIFICATE OF SERVICE**

4 I declare as follows:

5 I am a resident of the State of California and over the age of eighteen years, and  
6 not a party to the within action; my business address is 980 9th Street, Suite 1700, Sacramento,  
California 95814. On September 21, 2009, I served the within document(s):

7 **THE ADMINISTRATION'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST**  
8 **SET OF REQUESTS FOR ADMISSION**

9  by e-mail or electronic transmission. Based on an agreement of the parties  
10 to accept service by e-mail or electronic submission, I caused the  
11 document(s) to be sent to the person(s) at the address(es) below. I did not  
receive, within a reasonable time after the transmission, any electronic  
message or other indication that the transmission was unsuccessful.

12 **SEE ATTACHED SERVICE LIST**

13 I am readily familiar with the firm's practice of collection and processing  
14 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal  
Service on that same day with postage thereon fully prepared in the ordinary course of business.

15 I declare that I am employed in the office of a member of the bar of this Court at  
16 whose direction this service was made.

17 Executed on September 21, 2009, at Sacramento, California.

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Angela Knight  
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