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9

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 **KRISTIN M. PERRY, et al.,**

15 Plaintiffs,

16 v.

17 **ARNOLD SCHWARZENEGGER, et al.,**

18 Defendants.  
19  
20

3:09-cv-02292-VRW

**ATTORNEY GENERAL'S RESPONSES  
TO PLAINTIFFS' REQUESTS FOR  
ADMISSION, SET ONE.**

21 California Attorney General Edmund G. Brown Jr. responds to the Requests for Admissions  
22 propounded by the Plaintiffs herein, set one, pursuant to Federal Rule of Civil Procedure, Rule 36  
23 and Civil Local Rule 36, as follows:

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

25 Admit that the "freedom to marry has long been recog  
26 rights essential to the orderly pursuit of happiness by free m  
27 12 (1967).  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF  
CALIFORNIA

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

PLTF EXHIBIT NO. PX0710

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

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

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Attorney Gen

*Perry v. Schwarzenegger (3:09-cv-02292-VRW)*

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20  
21 California Attorney General Edmund G. Brown Jr. responds to the Requests for Admissions  
22 propounded by the Plaintiffs herein, set one, pursuant to Federal Rule of Civil Procedure, Rule 36  
23 and Civil Local Rule 36, as follows:

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

25 Admit that the "freedom to marry has long been recognized as one of the vital personal  
26 rights essential to the orderly pursuit of happiness by free men." *Loving v. Virginia*, 388 U.S. 1,  
27 12 (1967).

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

2 Admit.

3 **REQUEST FOR ADMISSION NO. 2:**

4 Admit that civil marriage is deeply meaningful to individuals, families, communities, and  
5 the State of California.

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

7 Admit.

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

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

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

11 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 816 (2008).

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

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

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

16 The Attorney General admits that under California law, no legal institution, legal status, or  
17 legal relationship offers the same meaning, obligations, rights, and benefits as civil marriage.

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

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

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

22 The Attorney General admits that under California law, civil marriage brings with it many  
23 tangible legal rights, privileges, benefits, and obligations to married individuals and also confers  
24 intangible benefits.

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

26 Admit that the tangible and intangible benefits of marriage flow to the married couple's  
27 children.

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

2 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 817-818 (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 Attorney General admits that under California law, marriage legitimizes children and  
7 provides them greater financial security, which may well give children a greater sense of security.

8 *See In re Marriage Cases*, 43 Cal.4th 757, 817-818 (2008).

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

10 Admit that Plaintiffs desire to marry their partners.

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

12 The Attorney General admits that the Plaintiffs alleged in their complaint that they desire to  
13 marry their partners, and does not contest that allegation. To the extent that this Request seeks a  
14 broader response, the Attorney General lacks knowledge or information sufficient to admit or  
15 deny this Request. The Attorney General has made reasonable inquiry and the information he  
16 knows or can readily obtain is insufficient to enable him to admit or deny.

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

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

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

22 The Attorney General admits that for gay men and lesbians, opposite sex marriage may not  
23 be a meaningful alternative to same-sex marriage to the extent that it would compel them to  
24 negate their sexual orientation and identity. *See In re Marriage Cases*, 43 Cal.4th 757, 839-840  
25 (2008).

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

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

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

6 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 781 (2008).

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

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

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

11 The Attorney General admits that California law barred interracial couples from civil  
12 marriage until the California Supreme Court invalidated the prohibition in *Perez v. Sharp*, 32  
13 Cal.2d 711 (1948).

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

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

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

19 Admit.

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

21 Admit that neither the race- nor gender-based reforms in civil marriage law deprived  
22 marriage of its vitality and importance as social institution.

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

24 Admit.

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

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

28

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

2 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 841 (2008).

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

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

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

7 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 841-843 (2008).

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

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

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

12 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 842 (2008) (quoting with approval  
13 *People v. Garcia*, 77 Cal.App.4th 1269, 1276 (2000) (“Outside of racial and religious minorities,  
14 we can think of no group which has suffered such ‘pernicious and sustained hostility’ [citation],  
15 and such ‘immediate and severe opprobrium’ [citation], as homosexuals”).

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

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

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

19 The Attorney General admits that hate crimes against gay and lesbian individuals continue  
20 to occur.

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

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

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

25 Admit.

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

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

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

2 Admit. *See In re Marriage Cases* (2008) 43 Cal.4th 757, 841 (2008).

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

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

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

7 Admit.

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

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

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

12 The Attorney General admits that a person's sexual orientation is irrelevant in evaluating  
13 his or her judgment and social and vocational capabilities. *See In re Marriage Cases*, 43 Cal.4th  
14 757, 841, 844 (2008).

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

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

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 22**

21 The Attorney General admits that the laws of California recognize no relationship between  
22 a person's sexual orientation and his or her ability to raise children; to his or her capacity to enter  
23 into a relationship that is analogous to marriage; or to his or her ability to participate fully in all  
24 economic and social institutions, with the exception of civil marriage. *See In re Marriage Cases*,  
25 43 Cal.4th 757, 841, 844 (2008).

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

2 Admit that “[s]exual orientation and sexual identity is so fundamental to one’s identity that  
3 a person should not be required to abandon them.” *Hernandez-Montiel v. I.N.S.*, 225 F.3d 1084,  
4 1093 (9th Cir. 2000).

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

6 Admit.

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

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

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

10 The Attorney General admits that a person’s sexual orientation may be fundamental to his  
11 or her identity. *See In re Marriage Cases*, 43 Cal.4th 757, 839 n.59 (2008).

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

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

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

15 Admit.

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

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

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

20 Admit.

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

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

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

26 Admit.

27  
28

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

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

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

5 The Attorney General admits that under California law, sexual orientation is a  
6 distinguishing characteristic that defines gay and lesbian individuals as a discrete group. *See In*  
7 *re Marriage Cases*, 43 Cal.4th 757, 841 (2008).

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

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

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

12 Admit.

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

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

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

17 The Attorney General lacks knowledge or information sufficient to admit or deny this  
18 Request. The Attorney General has made reasonable inquiry and the information he knows or  
19 can readily obtain is insufficient to enable him to admit or deny.

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

21 Admit that there are no openly gay governors.

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

23 The Attorney General lacks knowledge or information sufficient to admit or deny this  
24 Request. The Attorney General has made reasonable inquiry and the information he knows or  
25 can readily obtain is insufficient to enable him to admit or deny.

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

27 Admit that no openly gay person has ever been appointed to a Cabinet Secretary position.  
28

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

2 The Attorney General lacks knowledge or information sufficient to admit or deny this  
3 Request. The Attorney General has made reasonable inquiry and the information he knows or  
4 can readily obtain is insufficient to enable him to admit or deny.

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

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

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

9 The Attorney General admits that 52% of California voters voted in favor of Proposition 8,  
10 which denied same-sex couples the right to marry.

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

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

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

15 Admit.

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

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

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

20 Admit.

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

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

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

25 Admit.

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

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

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

2 Admit.

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

4 Admit that there is a significant symbolic disparity between domestic partnership and  
5 marriage.

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

7 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 845-846 (2008).

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

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

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

13 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 830-831 (2008).

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

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

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

18 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 785, 841, 845, 855 (2008) (“[B]ecause  
19 of the historic disparagement of gay persons, the retention of a distinction in nomenclature by  
20 which the term ‘marriage’ is withheld only from the family relationship of same-sex couples is all  
21 the more likely to cause the new parallel institution that has been established for same-sex  
22 couples to be considered a mark of second-class citizenship.”); *see also Strauss v. Horton*, 46  
23 Cal.4th 364, 483 n.8 (2009) (Werdegar, J., concurring).

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

25 Admit that because two types of relationships—one for same-sex couples and one for  
26 opposite-sex couples—exist in California, a gay or lesbian individual is forced to disclose his or  
27 her sexual orientation when asked about his or her marital status.

28

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

2 The Attorney General admits that because two types of relationships – one for same-sex  
3 couples and one for opposite-sex couples – exist in California, a gay or lesbian individual may be  
4 forced to disclose his or her sexual orientation when accurately responding to a question about his  
5 or her marital status. *See In re Marriage Cases*, 43 Cal.4th 757, 847 (2008).

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

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

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

11 The Attorney General admits that there has been a history of discrimination against gay and  
12 lesbian individuals. California’s creation of the alternative regime of domestic partnership was  
13 intended to, and may have, diminished anti-gay prejudice, but its continuation may reinforce anti-  
14 gay prejudice. *See In re Marriage Cases*, 43 Cal.4th 757, 847 (2008) (“[T]he existence of two  
15 separate family designations - one available only to opposite-sex couples and the other to same-  
16 sex couples . . . may expose gay individuals to detrimental treatment by those who continue to  
17 harbor prejudices that have been rejected by California society at large).

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

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

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

22 Admit.

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

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

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

27 The Attorney General admits that private, consensual sexual relations between same-sex  
28 couples, gay men and lesbians, are protected by the Fourteenth Amendment.

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

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

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

6 The Attorney General admits that in California, restricting the access of same-sex couples  
7 to civil marriage may reinforce gender stereotypes and traditional gender roles of men and  
8 women in child rearing and family responsibilities.

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

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

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

12 The Attorney General admits that under California law, before the adoption of Proposition  
13 8, gay men and lesbians had a constitutional right to civil marriage.

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

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

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

17 The Attorney General admits that Proposition 8 eliminated the right of same sex couples to  
18 marry.

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

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

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

23 Deny. *See Strauss v. Horton*, 46 Cal.4th 364, 470-475 (2009).

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

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

28

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

2 Admit.

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

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

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

6 Deny.

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

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

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

11 The Attorney General admits that some of the advertising in favor of Proposition 8 was  
12 based on fear of and prejudice against homosexual men and women.

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

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

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

18 Admit. *See Turner v. Safley*, 482 U.S. 78, 95-96 (1987) (cited in *In re Marriage Cases*, 43  
19 Cal.4th 757, 812 n.33 (2009)).

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

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

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

24 The Attorney General admits that if same-sex couples had access to civil marriage, their  
25 access to that legal status would not destabilize the marriages of opposite-sex couples.

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

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

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

2 Admit. *See In re Marriage Cases*, 43 Cal.4th 757, 854-855 (2008).

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

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

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

9 The Attorney General admits that the laws of California recognize no relationship between  
10 a person's sexual orientation and his or her ability to raise children; to his or her capacity to enter  
11 into a relationship that is analogous to marriage; or to his or her ability to participate fully in all  
12 economic and social institutions, with the exception of civil marriage. *See In re Marriage Cases*,  
13 43 Cal.4th 757, 841, 844 (2008).

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

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

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

19 The Attorney General admits that the law of the State of California protects lesbian and gay  
20 family relationships and family members during life crises, and forbids discrimination in, among  
21 other things, employment, housing, education, and public accommodations on the basis of sex  
22 and sexual orientation.

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

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

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

2 The Attorney General admits that the law of the State of California protects the right of gay  
3 men and lesbians in same sex relationships to be foster parents and to adopt children by  
4 forbidding discrimination on the basis of sexual orientation.

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

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

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

9 The Attorney General admits that this proposition is implicitly recognized in the law in the  
10 State of California.

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

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

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

15 The Attorney General admits that this proposition is implicitly recognized in the law in the  
16 State of California.

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

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

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

21 The Attorney General admits that in determining who shall raise a child and what is in the  
22 best interest of a child, the law of the State of California prohibits discrimination on the basis of  
23 sexual orientation.

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

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

27

28

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

2 The Attorney General admits that this proposition is implicitly recognized in the law in the  
3 State of California.

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

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

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

8 The Attorney General admits that neither Proposition 8 nor any other law changed the legal  
9 legitimacy or status of same-sex civil marriages that were solemnized in California between May  
10 15, 2008 and November 5, 2008. Same sex couples married in California during that period  
11 remain married unless they have legally divorced or a partner has died.

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

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

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

16 The Attorney General admits that approximately 18,000 same-sex civil marriages were  
17 solemnized in California between May 15 and November 5, 2008.

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

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

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

23 The Attorney General admits that if any of the same-sex civil marriages solemnized in  
24 California between May 15 and November 5, 2008 end by reason of death or divorce, the  
25 individuals formerly in those marriages would not have the legal right to enter into another same-  
26 sex civil marriage in California.

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

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

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

6 The Attorney General admits that gay men and lesbians have formed lasting, committed,  
7 and caring same-sex relationships, and that same-sex couples share their lives and participate in  
8 their communities together. The Attorney General admits that Plaintiffs have so alleged about  
9 themselves and does not contest that allegation. To the extent that this Request seeks a broader  
10 response, the Attorney General lacks knowledge or information sufficient to admit or deny this  
11 Request. The Attorney General has made reasonable inquiry and the information he knows or  
12 can readily obtain is insufficient to enable him to admit or deny.

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

14 Admit that gay and lesbian individuals, including Plaintiffs Perry and Stier, raise children  
15 together.

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

17 The Attorney General admits that same-sex couples raise children together in California,  
18 and that Plaintiffs Perry and Stier have alleged that they are raising children together, and does  
19 not contest that allegation. To the extent that this Request seeks a broader response, the Attorney  
20 General lacks knowledge or information sufficient to admit or deny this Request. The Attorney  
21 General has made reasonable inquiry and the information he knows or can readily obtain is  
22 insufficient to enable him to admit or deny.

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

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

26  
27  
28

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

2 The Attorney General lacks knowledge or information sufficient to admit or deny this  
3 Request. The Attorney General has made reasonable inquiry and the information he knows or  
4 can readily obtain is insufficient to enable him to admit or deny.

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

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

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

9 The Attorney General admits that Proposition 8's legal prohibition on same-sex civil  
10 marriage in California is an exception to the State's policy, as otherwise expressed by law, to  
11 ensure that gay men and lesbians are treated equally under the laws of the State of California.

12 Dated: September 23, 2009

13 Respectfully submitted,  
14 EDMUND G. BROWN JR.  
15 Attorney General of California  
16 JONATHAN K. RENNER  
17 Senior Assistant Attorney General  
18 GORDON BURNS  
19 Deputy Solicitor General

20 */s/ Tamar Pachter*  
21 TAMAR PACHTER  
22 Deputy Attorney General  
23 *Attorneys for Defendants*

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