

1 GIBSON, DUNN & CRUTCHER LLP  
Theodore B. Olson, SBN 38137  
2 *tolson@gibsondunn.com*  
Matthew D. McGill, *pro hac vice*  
3 1050 Connecticut Avenue, N.W., Washington, D.C. 20036  
Telephone: (202) 955-8668, Facsimile: (202) 467-0539

4 Theodore J. Boutrous, Jr., SBN 132009  
*tboutrous@gibsondunn.com*  
5 Christopher D. Dusseault, SBN 177557  
Ethan D. Dettmer, SBN 196046  
6 333 S. Grand Avenue, Los Angeles, California 90071  
Telephone: (213) 229-7804, Facsimile: (213) 229-7520

7 BOIES, SCHILLER & FLEXNER LLP  
David Boies, *pro hac vice*  
8 *dboies@bsflp.com*  
333 Main Street, Armonk, New York 10504  
9 Telephone: (914) 749-8200, Facsimile: (914) 749-8300

Jeremy M. Goldman, SBN 218888  
10 *jgoldman@bsflp.com*  
1999 Harrison Street, Suite 900, Oakland, California 94612  
11 Telephone: (510) 874-1000, Facsimile: (510) 874-1460

Attorneys for Plaintiffs  
12 KRISTIN M. PERRY, SANDRA B. STIER,  
PAUL T. KATAMI, and JEFFREY J. ZARRILLO

13 Dennis J. Herrera, SBN 139669  
14 Therese M. Stewart, SBN 104930  
Danny Chou, SBN 180240

15 One Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682  
16 Telephone: (415) 554-4708, Facsimile (415) 554-4699

Attorneys for Plaintiff-Intervenor  
17 CITY AND COUNTY OF SAN FRANCISCO

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, *et al.*,  
21 Plaintiffs,  
22 and  
23 CITY AND COUNTY OF SAN FRANCISCO,  
Plaintiff-Intervenor,  
24 v.  
25 ARNOLD SCHWARZENEGGER, *et al.*,  
26 Defendants  
27 and  
28 PROPOSITION 8 OFFICIAL PROPONENTS  
DENNIS HOLLINGSWORTH, *et al.*,  
Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**PLAINTIFFS' AND PLAINTIFF-  
INTERVENOR'S TRIAL WITNESS LIST**

**Final Pretrial Conference**

Date: December 16, 2009  
Time: 10:00 a.m.  
Judge: Chief Judge Walker  
Location: Courtroom 6, 17th Floor

Trial Date: January 11, 2010

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT, pursuant to Rule 26(a)(3) of the Federal Rules of Civil  
3 Procedure and the Court’s Pretrial Scheduling Order, (Doc #164), Plaintiffs Kristin M. Perry,  
4 Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo (“Plaintiffs”) and Plaintiff-Intervenor City and  
5 County of San Francisco (“Plaintiff-Intervenor”) submit the following Trial Witness List.

6 **PRELIMINARY STATEMENT**

7 1. Plaintiffs and Plaintiff-Intervenor reserve the right not to call or present testimony  
8 from any particular witness. By identifying witnesses listed below, Plaintiffs and Plaintiff-Intervenor  
9 do not agree to make a witness available for trial.

10 2. The order in which the witnesses are listed in this Proposed Trial Witness List is not  
11 the order in which witnesses will be called at trial. Pursuant to the Court’s Pretrial Scheduling Order,  
12 Plaintiffs and Plaintiff-Intervenor will advise all other parties of the order in which Plaintiffs’ and  
13 Plaintiff-Intervenor’s witnesses are expected to be called and the exhibits to be offered by each  
14 witness at least 24 hours before Plaintiffs or Plaintiff-Intervenor intend to call the respective witness.

15 3. Plaintiffs and Plaintiff-Intervenor reserve the right to call witnesses identified by any  
16 other party.

17 4. Plaintiffs and Plaintiff Intervenor’s witness list is necessarily based upon evidence,  
18 including documents and testimony, that have been made available by Defendant-Intervenors and  
19 other parties up to the date of this filing. To the extent Defendant-Intervenors or third parties have  
20 withheld or otherwise failed to produce non-privileged, responsive documents, or deponents have  
21 refused to provide testimony regarding discoverable, non-privileged information, Plaintiffs and  
22 Plaintiff-Intervenor reserve the right to call as witnesses individuals whose identity or relevance to  
23 the matters in dispute becomes apparent from such late-provided information.

24 5. Unless otherwise noted, Plaintiffs and Plaintiff-Intervenor anticipate presenting the  
25 listed witness via live testimony at trial.

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**PLAINTIFFS’ AND PLAINTIFF-INTERVENOR’S TRIAL WITNESS LIST**

<i>Witness</i>	<i>Summary of Testimony</i>
<b>Kristin M. Perry</b>	Ms. Perry is in a committed relationship with Sandra B. Stier. Ms. Perry and Ms. Stier desire to express their love for and commitment to one another by getting married and obtaining official sanction for their family from the State, but Prop. 8 denies them that right in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. Ms. Perry will testify about her sexual orientation and the harms she has suffered as a result of Prop. 8.
<b>Sandra B. Stier</b>	Ms. Stier is in a committed relationship with Kristin M. Perry. Ms. Stier and Ms. Perry desire to express their love for and commitment to one another by getting married and obtaining official sanction for their family from the State, but Prop. 8 denies them that right in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. Ms. Stier will testify about her sexual orientation and the harms she has suffered as a result of Prop. 8.
<b>Paul T. Katami</b>	Mr. Katami is in a committed relationship with Jeffrey J. Zarrillo. Mr. Katami and Mr. Zarrillo desire to express their love for and commitment to one another by getting married and obtaining official sanction for their family from the State, but Prop. 8 denies them that right in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. Mr. Katami will testify about his sexual orientation and the harms he has suffered as a result of Prop. 8.
<b>Jeffrey J. Zarrillo</b>	Mr. Zarrillo is in a committed relationship with Paul T. Katami. Mr. Zarrillo and Mr. Katami desire to express their love for and commitment to one another by getting married and obtaining official sanction for their family from the State, but Prop. 8 denies them that right in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. Mr. Zarrillo will testify about his sexual orientation and the harms he has suffered as a result of Prop. 8.
<b>M.V. Lee Badgett, Ph.D.</b>	Dr. Badgett is a professor of economics at the University of Massachusetts Amherst. She will testify about the private harms and public costs caused by Prop. 8, differences between marriage and domestic partnership, and the impact of same-sex marriage on the marriages of different-sex couples.

<i>Witness</i>	<i>Summary of Testimony</i>
<b>Nancy F. Cott, Ph.D.</b>	Dr. Cott is the Jonathan Trumbull Professor of American History at Harvard University. She will testify about the history of marriage as an institution created and authorized by law.
<b>George Chauncey, Ph.D.</b>	Dr. Chauncey is a Professor of History at Yale University. He will testify about the history of discrimination experienced by gays and lesbians in the United States.
<b>Daniel S. Hamermesh, Ph.D.</b>	Dr. Hamermesh is a Professor in the Foundations of Economics at the University of Texas at Austin. He will testify about the economic value of marriage and the losses that are engendered by denying the right to marriage to same-sex couples in California.
<b>Gregory M. Herek, Ph.D.</b>	Dr. Herek is a Professor of Psychology at the University of California at Davis. He will testify about the nature of sexual orientation, how mainstream mental health professionals and behavioral scientists regard homosexuality, benefits conferred by marriage, stereotypes relating to lesbians and gay men, stigma and prejudice directed at lesbians and gay men, the harm to lesbians and gay men and their families as a consequence of being denied the right to marry, and how the institution of domestic partnerships differs from that of marriage and is linked with antigay stigma.
<b>Michael Lamb, Ph.D.</b>	Dr. Lamb is a Professor and Head of the Department of Social and Developmental Psychology at Cambridge University. He will testify about the factors that determine children's and adolescents' adjustment, child and adolescent adjustment in non-traditional families, gay and lesbian parenting and its impact on the adjustment of children and adolescents, and the benefits to children and adolescents if their same-sex parents were allowed to marry.
<b>Ilan H. Meyer, Ph.D.</b>	Dr. Meyer is an Associate Professor of Clinical Sociomedical Sciences and Deputy Chair for Masters Programs in Sociomedical Sciences at Columbia University, Mailman School of Public Health. He will testify about the stigma and prejudice gay and lesbian individuals face in society, minority stress, the effect of minority stress on mental health in the gay and lesbian population, and the effects of Prop. 8 on the mental health of gay and lesbian individuals.
<b>Letitia Anne Peplau, Ph.D.</b>	Dr. Peplau is a Professor of Psychology at the University of California, Los Angeles. She will testify about the beneficial effects marriage can provide to a person's health and well-being, the social and personal importance that attaches to marriage, factors that predict stability and instability in couple relationships, the similarities and differences between heterosexual couples and same-sex couples, the benefits same-sex couples would enjoy from

<i>Witness</i>	<i>Summary of Testimony</i>
	marriage, the impact of marriage by same-sex couples on heterosexual couples, and the stability of same-sex relationships.
<b>Gary M. Segura, Ph.D.</b>	Dr. Segura is a Professor of American Politics in the Department of Political Science at Stanford University. He will testify about the relative political power of gays and lesbians as a class of citizens, and their level of political vulnerability.
<b>Edmund A. Egan, Ph.D.</b>	Dr. Egan is the Chief Economist for the City and County of San Francisco. He will testify about the nature and magnitude of costs incurred by the City and County as a result of the denial of marriage to lesbians and gay men as well as the nature and magnitude of costs incurred by the City and County to combat the discrimination against lesbians and gay men that Prop. 8 reflects and reinforces.
<b>Jerry Sanders</b>	Mr. Sanders is the current Mayor and former Police Chief of the City of San Diego, California. He is also the father of two daughters, one of whom is a lesbian. He will testify about his decision, as Mayor of San Diego, to support and not veto the City of San Diego's participation in an <i>amicus</i> brief advocating against the exclusion of same-sex couples from marriage and why he concluded supporting marriage equality was and is in the best interest of the local government and community. He will also testify about his experience as the father of a lesbian daughter who cannot legally marry under California law.
<b>Helen Zia</b>	Ms. Zia is an Asian American author who has written about the struggle for Asian American civil rights. She is also a lesbian. In 2008, she married the woman with whom she had been in a committed relationship for nearly two decades. She will testify about her sexual orientation, her experiences with discrimination, the effects of being denied the right to marry and the importance to her and her family of ultimately being able to marry.
<b>William Rogers</b>	Mr. Rogers is a gay man who in 2008 married the man with whom he had been in a committed relationship for more than a decade. They have two sons. Mr. Rogers will testify about his sexual orientation, his experiences with discrimination and the importance of being able to marry to him, his spouse, their children and other close family members and friends.
<b>Ryan Kendall</b>	Mr. Kendall is a gay man who was subjected to "conversion therapy" in his youth. He will testify about how sexual orientation discrimination and "conversion therapy" affected him.

<i>Witness</i>	<i>Summary of Testimony</i>
<b>Dennis Hollingsworth</b>	Mr. Hollingsworth is an Official Proponent of Prop. 8. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Gail J. Knight</b>	Ms. Knight is an Official Proponent of Prop. 8. She will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Martin F. Gutierrez</b>	Mr. Gutierrez is an Official Proponent of Prop. 8. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Hak-Shing William “Bill” Tam</b>	Mr. Tam is an Official Proponent of Prop. 8. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Mark A. Jansson</b>	Mr. Jansson is an Official Proponent of Prop. 8 and a member of the Executive Committee of ProtectMarriage.com. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Ron Prentice</b>	Mr. Prentice is the Chairman of the Executive Committee of ProtectMarriage.com. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Edward “Ned” Dolejsi</b>	Mr. Dolejsi is a member of the Executive Committee of ProtectMarriage.com. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Andrew Pugno</b>	Mr. Pugno is ProtectMarriage.com’s Counsel. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Frank Schubert</b>	Mr. Schubert is ProtectMarriage.com’s Campaign Manager. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Jeff Flint</b>	Mr. Flint is ProtectMarriage.com’s Campaign Manager. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>Does #1-20</b>	Unnamed persons knowledgeable about the genesis, strategy, and execution of the “Yes on 8” campaign.
<b>James Garlow</b>	Mr. Garlow is the Senior Pastor of Skyline Wesleyan. He was actively involved on the “Yes on 8” campaign. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign, and will authenticate campaign related documents.

<i>Witness</i>	<i>Summary of Testimony</i>
<b>Miles McPherson</b>	Mr. McPherson is a pastor at the Rock Church. He was actively involved on the “Yes on 8” campaign. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign, and will authenticate campaign related documents.
<b>Bill May</b>	Mr. May is the founder of Catholics for the Common Good and chair of CatholicsforProtectMarriage.com. He was actively involved on the “Yes on 8” campaign. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign, and will authenticate campaign related documents.
<b>Bill Criswell</b>	Mr. Criswell is associated with Marketing Communications Services, a ProtectMarriage.com vendor. He was actively involved on the “Yes on 8” campaign. He will testify about the genesis, strategy, and execution of the “Yes on 8” campaign, and will authenticate campaign related documents.
<b>David G. Blankenhorn</b>	Mr. Blankenhorn is the founder and President of the Institute for American Values. He purports to be knowledgeable about the institution of marriage.
<b>Loren Marks</b>	Mr. Marks is a Professor in the College of Agriculture in the Division of Family, Child, and Consumer Sciences at Louisiana State University. He purports to be knowledgeable about whether the “biological, marriage-based family [is] the ideal structure for child outcomes.”
<b>Paul Nathanson, Ph.D.</b>	Dr. Nathanson is a researcher at Faculty of Religious Studies, McGill University. He purports to be knowledgeable about religious attitudes toward Prop. 8.
<b>Katherine Young</b>	Dr. Young is a Professor at McGill University. She purports to be knowledgeable about comparative religion and on what universally constitutes marriage.
<b>Daniel N. Robinson, Ph.D.</b>	Dr. Robinson is a member of the philosophy faculty at Oxford University. He purports to be knowledgeable about sexual orientation.
<b>Kenneth P. Miller, Ph.D.</b>	Dr. Miller is an Associate Professor in the Department of Government at Claremont McKenna College, and the Associate Director of the Rose Institute of State and Local Government.. He purports to be knowledgeable about political power.

<i>Witness</i>	<i>Summary of Testimony</i>
<b>Douglas W. Allen</b>	Mr. Allen is a Professor of Economics at Simon Fraser University, in Burnaby, British Columbia. He purports to be knowledgeable about the effects of same-sex marriage.

Respectfully Submitted,

DATED: December 7, 2009

GIBSON, DUNN & CRUTCHER LLP  
 Theodore B. Olson  
 Theodore J. Boutros, Jr.  
 Christopher D. Dusseault  
 Ethan D. Dettmer  
 Matthew D. McGill  
 Amir C. Tayrani  
 Sarah E. Piepmeier  
 Theane Evangelis Kapur  
 Enrique A. Monagas

By: \_\_\_\_\_ /s/  
 Theodore B. Olson

and

BOIES, SCHILLER & FLEXNER LLP  
 David Boies  
 Jeremy M. Goldman  
 Roseanne C. Baxter  
 Richard J. Bettan  
 Beko O. Richardson  
 Theodore H. Uno

Attorneys for Plaintiffs  
 KRISTIN M. PERRY, SANDRA B. STIER,  
 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

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**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: \_\_\_\_\_ /s/  
Theodore B. Olson

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