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UNITED STATES DEPARTMENT
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Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

ALAN KEYES, Ambassador, et al.,

Plaintiffs,

v.

DEBRA BOWEN, California Secretary
of State, et al.,

Defendants.

NO. 34-2008-80000096-CU-WM-GDS

**STIPULATION CONVERTING
SUBPOENA INTO TOUHY
DEMAND**

Plaintiffs and the nonparty witness United States Department of Justice ("USDOJ")
hereby recite as follows:

1. On February 10, 2009, plaintiffs served a Deposition Subpoena for Production of
Business Records, issued January 19, 2009, upon USDOJ.

2. By letter dated February 18, 2009, counsel for USDOJ proposed that plaintiffs and
USDOJ treat plaintiffs' subpoena as an informational demand under the administrative
procedure set out in 28 C.F.R. Part 16 (USDOJ's regulation under *United States ex rel. Touhy*
v. Ragen (1951) 340 U.S. 462, or "Touhy Regulation") instead of the subpoena.

3. Plaintiffs now are following the administrative procedure of the Touhy Regulation
by formulating an affidavit of the scope of their document request and the relevancy of the
requested documents, to be submitted to the United States Attorney for the Eastern District of
California for decision.

STIPULATION CONVERTING SUBPOENA INTO TOUHY DEMAND

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1 Accordingly, plaintiffs and USDOJ hereby stipulate that they will treat the subpoena
2 issued January 19, 2009, and directed to USDOJ, as an informational demand under the
3 Touhy Regulation instead of treating it as a subpoena.

4 Dated: February 25, 2009

LAW OFFICE OF DR. ORLY TAITZ
LAW OFFICE OF GARY G. KREPP

7 By: 

DR. ORLY TAITZ
Attorneys for Plaintiffs

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10 Dated: February 18, 2009

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