

FILED**FOR PUBLICATION**

JAN 04 2010

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

KRISTIN M. PERRY; SANDRA B.
STIER; PAUL T. KATAMI; JEFFREY J.
ZARRILLO,

Plaintiffs - Appellees,

and

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff-intervenor,

v.

ARNOLD SCHWARZENEGGER, in his
official capacity as Governor of California;
EDMUND G. BROWN, Jr., in his official
capacity as Attorney General of California;
MARK B. HORTON in his official
capacity as Director of the California
Department of Public Health & State
Registrar of Vital Statistics; LINETTE
SCOTT, in her official capacity as Deputy
Director of Health Information & Strategic
Planning for the California Department of
Public Health; PATRICK O'CONNELL,
in his official capacity as Clerk-Recorder
for the County of Alameda; DEAN C.
LOGAN, in his official capacity as
Registrar-Recorder/County Clerk for the
County of Los Angeles,

No. 09-17241

D.C. No. 3:09-cv-02292-VRW

ORDER AMENDING OPINION
AND DENYING PETITION FOR
REHEARING AND
REHEARING EN BANC

Defendants,

and

DENNIS HOLLINGSWORTH; GAIL J.
KNIGHT; MARTIN F. GUTIERREZ;
HAK-SHING WILLIAM TAM; MARK
A. JANSSON;
PROTECTMARRIAGE.COM - YES ON
8, A PROJECT OF CALIFORNIA
RENEWAL,

Defendant-intervenors -
Appellants.

KRISTIN M. PERRY; SANDRA B.
STIER; PAUL T. KATAMI; JEFFREY J.
ZARRILLO,

Plaintiffs - Appellees,

and

OUR FAMILY COALITION;
LAVENDER SENIORS OF THE EAST
BAY; PARENTS, FAMILIES, AND
FRIENDS OF LESBIANS AND GAYS,
CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff-intervenors -
Appellees,

v.

ARNOLD SCHWARZENEGGER;

No. 09-17551

D.C. No. 3:09-cv-02292-VRW

EDMUND G. BROWN, Jr.; MARK B.
HORTON; LINETTE SCOTT; PATRICK
O'CONNELL; DEAN C. LOGAN,

Defendants,

and

DENNIS HOLLINGSWORTH; GAIL J.
KNIGHT; MARTIN F. GUTIERREZ;
HAK-SHING WILLIAM TAM; MARK
A. JANSSON;
PROTECTMARRIAGE.COM - YES ON
8, A PROJECT OF CALIFORNIA
RENEWAL,

Defendant-intervenors -
Appellants.

Before: WARDLAW, FISHER and BERZON, Circuit Judges.

The opinion filed December 11, 2009 is amended, and the amended opinion is filed concurrently with this Order.

The panel has voted to deny the petition for rehearing and rehearing en banc. A judge requested a vote on whether to rehear the matter en banc, and the matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 35.

Appellees' petition for rehearing and rehearing en banc, filed December 24, 2009, is **DENIED**.

No further petitions for rehearing will be permitted.

IT IS SO ORDERED.