

No. S189476

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

KRISTIN PERRY, et al., *Plaintiffs-Respondents*, and
CITY AND COUNTY OF SAN FRANCISCO, *Plaintiff-Intervener-Respondent*,

v.

EDMUND G. BROWN, et al., *Defendants*,
DENNIS HOLLINGSWORTH, et al., *Defendants-Interveners-Appellants*, and
HAK-SHING WILLIAM TAM, *Defendant-Intervener*.

On Request From the United States Court of Appeals for the Ninth Circuit,
Case No. 10-16696

**APPLICATION OF EQUALITY CALIFORNIA, NATIONAL CENTER FOR
LESBIAN RIGHTS, AND LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC. TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF PLAINTIFFS-
RESPONDENTS AND PLAINTIFF-INTERVENER-RESPONDENT**

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Lambda Legal Defense and Education Fund, Inc.*

Pursuant to California Rule of Court 8.520(f), Amici Curiae Equality California, the National Center for Lesbian Rights (“NCLR”), and Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”) apply for permission from the Chief Justice to file the concurrently submitted amicus curiae brief in support of Plaintiffs-Respondents and Plaintiff-Intervener-Respondent in the instant proceeding before this Court on the certified question from the U.S. Court of Appeals for the Ninth Circuit.¹

Equality California is a state-wide advocacy group protecting the needs and interests of lesbian, gay, bisexual, and transgender Californians and their families, including members of same-sex couples and their children. Equality California is also California’s largest lesbian, gay, bisexual, and transgender civil rights organization, with members in every county in the State of California. Equality California’s members include same-sex couples who wish to marry in the state of California but cannot do so while Proposition 8 is being enforced; same-sex couples who married in California before Proposition 8’s enactment; same-sex couples who are married under the laws of other jurisdictions; and same-sex couples who have registered with the State of California as domestic partners. The outcome of this proceeding will thus directly affect Equality California’s members and supporters.

NCLR is a national non-profit legal organization dedicated to protecting and advancing the civil rights of lesbian, gay, bisexual, and transgender people and their

¹ Pursuant to California Rule of Court 8.520(f)(4), Amici state (a) that no party or party’s counsel authored the brief in whole or in part; (b) that no party or party’s counsel contributed money that was intended to fund preparing or submitting the brief; and (c) that no person—other than Amici, their members, or their counsel—contributed money that was intended to fund preparing or submitting the brief.

families through litigation, public policy advocacy, and public education. Since its founding in 1977, NCLR has played a leading role in securing fair and equal treatment for lesbian, gay, bisexual, and transgender people and their families in cases across the country involving constitutional and civil rights. NCLR has a particular interest in protecting same-sex couples and their children.

Lambda Legal is the nation's oldest and largest nonprofit legal advocacy organization dedicated to achieving full civil rights for lesbian, gay, bisexual, and transgender people and those living with HIV through impact litigation, education, and public policy work. With offices in Los Angeles, Atlanta, Chicago, Dallas, and New York, Lambda Legal litigates cases and engages in public advocacy in all areas of sexual orientation and gender identity discrimination law and policy.

Equality California, NCLR, and Lambda Legal have significant experience and interest in the issues presented in this proceeding. Over the past decade, Equality California has successfully sponsored more than 70 pieces of civil rights legislation in the California Legislature for the lesbian, gay, bisexual, and transgender community in California, including many of the State's anti-discrimination laws and laws concerning marriage and domestic partnership. Equality California was also a plaintiff in *In re Marriage Cases* (2008) 43 Cal.4th 757 and a petitioner in *Strauss v. Horton* (2009) 46 Cal.4th 364. NCLR and Lambda Legal represented plaintiffs, including Equality California, in *Marriage Cases, supra*, and also collectively filed the lead challenge to Proposition 8 in *Strauss, supra*. NCLR and Lambda Legal have also participated as

counsel or as amici curiae supporting the plaintiffs in numerous other lawsuits around the country seeking the freedom to marry on behalf of same-sex couples.

Together, Amici bring significant experience and expertise to the issues pending before this Court. Moreover, they are able to inform the Court in areas that may not otherwise be addressed adequately in the briefing, including the interests of the numerous lesbian, gay, and bisexual Californians and their families who opposed Proposition 8 during the 2008 election. Because of their unique perspective and their abiding interest in the issues now before the Court, Amici respectfully seek permission from the Chief Justice to file the brief that accompanies this application.

DATED: May 2, 2011

Respectfully submitted,

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1000 Wilshire Boulevard, Suite 600, Los Angeles, California 90017-2463.

On May 2, 2011, I served true copies of the following document(s) described as **APPLICATION OF EQUALITY CALIFORNIA, NATIONAL CENTER FOR LESBIAN RIGHTS, AND LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF PLAINTIFFS-RESPONDENTS AND PLAINTIFF-INTERVENER-RESPONDENT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY OVERNIGHT DELIVERY: I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 2, 2011, at Los Angeles, California.


Mirela Popescu

Perry, et al. v. Brown, et al.
In the Supreme Court of the State of California
No. S189476

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CERTIFICATE OF SERVICE

**When Not All Case Participants are Registered for the Appellate
CM/ECF System**

U.S. Court of Appeals Docket Number(s): 10-16696

I hereby certify that on May 3, 2011, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by Express Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

PLEASE SEE ATTACHED SERVICE LIST

Signature: Lauren Harper /s/

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