

1 James Bopp, Jr. (Ind. State Bar No. 2838-84)*
 Richard E. Coleson (Ind. State Bar No. 11527-70)*
 2 Barry A. Bostrom (Ind. State Bar No. 11912-84)*
 Sarah E. Troupis (Wis. State Bar No. 1061515)*
 3 Scott F. Bieniek (Ill. State Bar No. 6295901)*
 BOPP, COLESON & BOSTROM
 4 1 South Sixth Street
 Terre Haute, IN 47807-3510
 5 Telephone: (812) 232-2434
 Facsimile: (812) 235-3685
 6 Counsel for All Plaintiffs

7 Benjamin W. Bull (AZ Bar No. 009940)*
 ALLIANCE DEFENSE FUND
 8 15100 North 90th Street
 Scottsdale, Arizona 85260
 9 Telephone: (480) 444-0020
 Facsimile: (480) 444-0028
 10 Counsel for All Plaintiffs

11 Timothy D. Chandler (Cal. State Bar No. 234325)**
 ALLIANCE DEFENSE FUND
 12 101 Parkshore Drive, Suite 100
 Folsom, CA 95630
 13 Telephone: (916) 932-2850
 Facsimile: (916) 932-2851
 14 Counsel for All Plaintiffs

15 * *Admitted Pro Hac Vice*
 ** *Designated Counsel for Service*

**United States District Court
 Eastern District of California
 Sacramento Division**

<p>19 ProtectMarriage.com, et al.,</p> <p>20</p> <p>21 <i>Plaintiffs,</i></p> <p>22 v.</p> <p>23 Debra Bowen, et al.,</p> <p>24 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD</p> <p>STIPULATION TO AMEND COMPLAINT; ORDER</p> <p>Judge Morrison C. England, Jr.</p>
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1 Plaintiffs ProtectMarriage.com - Yes on 8, a Project of California Renewal
2 (“**ProtectMarriage.com**”), National Organization for Marriage California - Yes on 8, Sponsored
3 by National Organization for Marriage (“**NOM-California**”), and John Doe #1, on behalf of the
4 proposed Class of Major Donors, pursuant to Fed. R. Civ. P. 15(a)(2) submit the following
5 stipulation to amend complaint for the Court’s approval.

6 Plaintiffs filed their original complaint in this mater on January 7, 2009. On January 9,
7 2009, pursuant to Fed. R. Civ. P. 15(a), Plaintiffs filed their First Amended Complaint, adding
8 Plaintiff John Doe #1, an individual, and as a representative of the proposed Class of Major
9 Donors. On January 22, 2009, pursuant to Fed. R. Civ. P. 15(a)(2), the Court granted Plaintiffs’
10 request to file a Second Amended Complaint, replacing Defendant Eileen Teichert with
11 Defendant Dennis J. Herrera.

12 Plaintiffs filed a Rule 20 Motion to Add Plaintiff National Organization for Marriage
13 California PAC (“**NOM-California PAC**”) concurrently with this stipulation. NOM-California
14 PAC formed on February 6, 2009, as a “general purpose committee.” Cal. Gov’t Code § 82027.5.
15 As set forth in Plaintiffs’ Rule 20 Motion to Add Plaintiff National Organization for Marriage
16 California PAC, there are common questions of law and fact making joinder of NOM-California
17 PAC appropriate in this action. If the Court grants Plaintiffs’ Rule 20 Motion to Add Plaintiff
18 National Organization for Marriage California PAC, the Second Amended Complaint should be
19 amended to reflect this change.

20 As set forth below, Defendants have consented to the filing of Plaintiffs Third Amended
21 Complaint, attached hereto as Exhibit A.

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1 **So Stipulated:**

2 Date: May ____, 2009

Zackery P. Morazzini
*Attorney for Defendants Debra Bowen and Edmund G.
Brown, Jr.*

5
6 Date: May ____, 2009

Judy W. Whitehurst
Attorney for Defendant Dean C. Logan

9
10 Date: May ____, 2009

Terence J. Cassidy
Attorney for Defendant Jan Scully

13
14 Date: May ____, 2009

26 _____
27 Scott F. Bieniek
Attorney for All Plaintiffs

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Date: May ____,
2009

Mollie M. Lee
*Attorney for Defendants Dennis J. Herrera and
Department of Elections - City and County of San Francisco*

Date: May ____,
2009

Lawrence T. Woodlock
*Attorney for Defendant Members of the Fair Political Practices
Commission*

IT IS SO ORDERED.

Dated: May 27, 2009



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My
3 business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

4 On May 20, 2009, I electronically filed the foregoing document described as Stipulation
5 to Amend Complaint; [Proposed] Order Regarding the Same, with the Clerk of Court using the
6 CM/ECF system which will send notification of such filing to:

7 Zackery P. Morazzini
8 zackery.morazzini@doj.ca.gov
9 *Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

10 Judy W. Whitehurst
11 jwhitehurst@counsel.lacounty.gov
12 *Attorney for Defendant Dean C. Logan*

13 Terence J. Cassidy
14 tcassidy@porterscott.com
15 *Attorney for Defendant Jan Scully*

16 Mollie M. Lee
17 mollie.lee@sfgov.org
18 *Attorney for Defendants Dennis J. Herrera and*
19 *Department of Elections - City and Count of San Francisco*

20 Lawrence T. Woodlock
21 lwoodlock@fppc.ca.gov
22 *Attorney for Defendant Members of the Fair Political Practices Commission*

23 I declare under the penalty of perjury under the laws of the State of Indiana that the above
24 is true and correct. Executed on May 20, 2009.

25 /s/ Scott F. Bieniek
26 Scott F. Bieniek (Ill. State Bar No. 6295901)
27 Counsel for All Plaintiffs