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 14 Counsel for All Plaintiffs

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

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

<p>19 PROTECTMARRIAGE.COM, et al.,</p> <p style="text-align: center;">20 Plaintiffs,</p> <p style="text-align: center;">21 vs.</p> <p>22 DEBRA BOWEN, et al.,</p> <p style="text-align: center;">23 Defendants.</p>	<p>Case No. 2:09-CV-00058-MCE-DAD</p> <p>PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT</p> <p>Date: Aug. 13, 2009 Time: 2:00 P.M. Courtroom: 7, 14th Floor Judge Morrison C. England, Jr.</p> <p>ORAL ARGUMENT REQUESTED</p>
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1 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD:

2 YOU ARE HEREBY GIVEN NOTICE THAT on Thursday, August 13, 2009, at 2:00 P.M.,
3 before the Honorable Morrison C. England, Jr. in Courtroom 7, 14th Floor of the United States
4 District Court for the Eastern District of California, Sacramento Division, located at 501 I Street,
5 Sacramento California 95814, Plaintiff ProtectMarriage.com—Yes on 8, a Project of California
6 Renewal, National Organization for Marriage California—Yes on 8, Sponsored by National
7 Organization for Marriage, John Doe #1, an individual, and as a representative of the proposed
8 Class of Major Donors, and National Organization for Marriage California PAC, will and hereby
9 do move for summary judgment.

10 Plaintiffs move for summary judgment on all counts of their Third Amended Complaint on
11 the grounds “that there is no genuine issue as to any material fact and that [they are] entitled to
12 judgment as a matter of law.” Fed. R. Civ. P. 56(c). In support, Plaintiffs file herewith Plaintiffs;
13 Memorandum in Support of Summary Judgment, Plaintiffs’ Statement of Undisputed Facts, and
14 Declarations of John Does #10-57, supplementing the previously filed declarations of John Does
15 #1-9.

16 **Plaintiffs respectfully request oral argument on this motion.**

17 Dated this 3rd day of June, 2009.

18 Respectfully submitted,

19
20 Benjamin W. Bull (Ariz. State Bar No. 009940)
21 ALLIANCE DEFENSE FUND
22 15100 North 90th Street
23 Scottsdale, Arizona 85260
24 Counsel for All Plaintiffs

25 Timothy D. Chandler (Cal. Bar No. 234325)
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27 101 Parkshore Drive, Suite 100
28 Folsom, CA 95630
Counsel for All Plaintiffs
Designated Counsel for Service

/s/ Scott F. Bieniek
James Bopp, Jr. (Ind. Bar No. 2838-84)
Barry A. Bostrom (Ind. Bar No. 11912-84)
Sarah E. Troupis (Wis. Bar No. 1061515)
Scott F. Bieniek (Ill. Bar No. 6295901)
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807-3510
Counsel for All Plaintiffs

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 June 3, 2009, I electronically filed the foregoing document described as Plaintiffs'
5 Notice of Motion and Motion for Summary Judgment, 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
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

9 Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

11 Terence J. Cassidy
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Attorney for Defendant Jan Scully

13 Mollie M. Lee
14 mollie.lee@sfgov.org
*Attorney for Defendants Dennis J. Herrera and
15 Department of Elections - City and Count of San Francisco*

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

18 I declare under the penalty of perjury under the laws of the State of Indiana that the above is
19 true and correct. Executed this 3rd day of June, 2009.

20
21 /s/ Scott F. Bieniek
22 Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs