

John Doe #13

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 (Ariz. State 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*
 16 ** *Designated Counsel for Service*

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

<p>19 ProtectMarriage.com, et al., 20 21 <i>Plaintiffs,</i> 22 v. 23 Debra Bowen, et al., 24 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT Date: TBD Time: TBD. Judge England</p>
--	---

27
 28 Declaration of **REDACTED** in
 Support of Plaintiffs' Motion for
 Summary Judgment

1 I, **REDACTED**, make the following declaration pursuant to 28 U.S.C. § 1746:

2 1. I am a resident of the state of California over 18 years of age, and my statements herein
3 are based on personal knowledge.

4 2. I supported the passage of Proposition 8.

5 3. In support of Proposition 8, my husband and I donated **XXXX** to ProtectMarriage.com -
6 Yes on 8, a Project of California Renewal.

7 4. The city where I live is a very safe, family-oriented, education-focused city, and has
8 been rated the safest large city in the United States by the FBI. This is a city with several
9 universities and community colleges, where you never find any graffiti or vandalism.

10 5. Because of the reputation of the city, I was surprised during the Proposition 8
11 campaign to see vandalism directed at “Yes on 8” signs.

12 6. In support of Proposition 8, I called registered voters, volunteered 6-7 times at sign
13 waving events at major intersections, delivered yard signs to volunteers, forwarded email updates
14 to friends, and wrote blog entries, among other things.

15 7. Every time that I participated in a sign waving event, several people would shout
16 obscenities, and other people would argue with us. Other people would make obscene gestures
17 from their cars as they drove by. At some events, people with “No on 8” signs would come and
18 stand in front of us to block our signs, and make hateful comments to us. At every sign waving
19 event, I felt very nervous and scared, wondering if someone would come and yell at us or hurt us.
20 Because of the hostile environment at these sign waving events, we did not bring our children to
21 participate.

22 8. In support of Proposition 8, near the end of the campaign, I also had two bumper
23 stickers on my car. During the fall, someone keyed the left side of the car, and I believe it was
24 because of these bumper stickers, which was near the bumper sticker on the left rear window.
25 The key line was about 27 inches in length.

26 9. In support of Proposition 8, I also placed two “Yes on 8” signs in my front yard.

27

28 **Declaration of **REDACTED** in
Support of Plaintiffs’ Motion for
Summary Judgment**

1 10. After seeing that most of the signs on public streets were stolen almost as soon as they
2 were put out, I brought one of the two "Yes on 8" signs inside and kept it in my front window. I
3 kept the yard sign inside because I was afraid that if I kept it outside, it would be stolen.

4 11. I left the second yard sign out in the yard, but I brought it inside at night to keep it
5 from being stolen or defaced.

6 12. Although I live in a gated community, at the end of October, someone slashed the one
7 yard sign that was outside at the time.

8 13. I repaired the sign and replaced it in my yard. This time, I placed the yard sign inside
9 a low wall in the front yard, so people would have to go out of the way in order to reach it.

10 14. Despite these efforts to prevent any further damage to the sign that remained outside
11 during the day, on Halloween, someone ripped it out of the yard, pulled it out of the ground, and
12 threw it about ten feet outside of my property.

13 15. Also on Halloween, I had teenagers come to my door for trick or treating and tell me
14 that my support for Proposition 8 was "stupid and wrong." Some of the parents accompanying
15 the children who were trick or treating also pointed and whispered to one another in disapproval
16 of my support for Proposition 8.

17 16. I also saw that a neighbor's "Yes on 8" sign had been slashed on Halloween.

18 17. In the future, these incidents would make me hesitant about donating to or supporting
19 a similar cause because of worry about harassment, violence, and discrimination against my
20 family, and fear of damage to our property. I believe these sorts of incidents prevent freedom of
21 speech and freedom in elections.

22 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
23 AND CORRECT|

24 Executed on: **REDACTED** **REDACTED**
25 **REDACTED**

26
27
28 Declaration of **REDACTED** in
Support of Plaintiffs' Motion for
Summary Judgment

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 Declaration of
5 John Doe #13 in Support of Plaintiffs’ Motion for Summary Judgment, with the Clerk of Court
6 using the 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
10 jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

11 Terence J. Cassidy
12 tcassidy@porterscott.com
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
22 /s/ Scott F. Bieniek
23 Scott F. Bieniek (Ill. State Bar No. 6295901)
24 Counsel for All Plaintiffs
25
26
27
28