

**John Doe #28**

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

**ProtectMarriage.com, et al.,**

***Plaintiffs,***

**v.**

**Debra Bowen, et al.,**

***Defendants.***

**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

Decl. 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 are  
3 based on personal knowledge.

4 2. I supported the passage of Proposition 8.

5 3. In support of the passage of Proposition 8, I made two separate donations to  
6 ProtectMarriage.com – Yes on 8, each in the amount of **\$X,XXX.XX**.

7 4. I did not engage in any other public support of Proposition 8, such as putting up a yard-sign or  
8 placing a bumper-sticker on my vehicle. The only way I could be publicly identified as supporting  
9 Proposition 8 was through the public disclosure of my personal information as a result of my donations  
10 to ProtectMarriage.com – Yes on 8.

11 5. On November 11, 2008, at 11:55 a.m., I received a voice mail from an unknown male at my  
12 workplace that said: “Hey, it’s really disheartening to know that one of my neighbors supported  
13 Proposition 8 so heavily. What a scum-fuck!” A true and correct recording of this voice mail is attached  
14 as Exhibit A.

15 6. The phone number the unknown male called from was blocked, so I was unable to obtain the  
16 number from my caller-identification system.

17 7. I filed a report of this harassing phone call with the **REDACTED** Police Department. A true and  
18 correct copy of that report is attached as Exhibit B.

19 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
20 CORRECT.

21 Executed on: **REDACTED**

**REDACTED**

**REDACTED**

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 #28 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  
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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  
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