

**John Doe #36**

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

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

|                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                |
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| <p>19 <b>ProtectMarriage.com, et al.,</b><br/>         20<br/>         21 <i>Plaintiffs,</i><br/>         22 v.<br/>         23 <b>Debra Bowen, et al.,</b><br/>         24 <i>Defendants.</i></p> | <p>Case No. 2:09-CV-00058-MCE-DAD<br/>         DECLARATION OF [REDACTED]<br/>         [REDACTED] IN SUPPORT OF<br/>         PLAINTIFFS' MOTION FOR SUMMARY<br/>         JUDGMENT<br/>         Date: TBD<br/>         Time: TBD.<br/>         Judge England</p> |
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 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, I made a donation of \$**XXXX** to ProtectMarriage.com - Yes  
6 on 8, a Project of California Renewal.

7 4. In support of Proposition 8, I placed a “Yes on 8” sign outside my home, which is  
8 located on a busy street and has a streetcar stop in front of it. My “Yes on 8” sign was placed in a  
9 brick flower box, between my front steps and garage. This flower box is about 10-12 feet from  
10 the sidewalk. I put this sign out at the end of October 2008.

11 5. After Halloween, and about three or four days after putting out the sign, the sign - but  
12 not its metal stand - was taken from the flower box.

13 6. About a week later, I placed a second “Yes on 8” sign in the flower box. Within a day  
14 or two, this sign and its metal stand had also been taken.

15 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
16 AND CORRECT.

17  
18 Executed on: **REDACTED**

**REDACTED**  
**REDACTED**

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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 #36 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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*Attorney for Defendant Dean C. Logan*

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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.

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