

**John Doe #42**

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 16 \*\* *Designated Counsel for Service*

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

<p>19 <b>ProtectMarriage.com, et al.,</b>          20          21 <i>Plaintiffs,</i>          22 <i>v.</i>          23 <b>Debra Bowen, et al.,</b>          24 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD          DECLARATION OF <b>REDACTED</b> IN          SUPPORT OF PLAINTIFFS' MOTION          FOR SUMMARY JUDGMENT          Date: TBD          Time: TBD.          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 donated \$~~XX~~ through my church, **REDACTED**  
6 **REDACTED**.

7 4. In support of Proposition 8, I participated in a Yes on 8 rally in Euclid, wrote several  
8 commentaries for both our local paper and online blogs, attended our church’s Yes on 8  
9 presentation, and visited numerous websites that supported Proposition 8.

10 5. In support of Proposition 8, I also placed yard signs in my hard. On three separate  
11 occasions, the signs were stolen or vandalized during the night. I reported these incidents to my  
12 local police department, but I received no response from them.

13 6. On one morning following the disappearance of my signs, I walked up and down my  
14 street and saw that all of the Proposition 8 were tagged with the words “hate speech” or “hater.”  
15 I walked over to my neighbor’s house to talk about what had happened, and I noticed that my  
16 sign was in his yard, along with several other signs. I knew that this was my sign, because I  
17 purchased it from my church and the graphics were different than most of the “Yes on 8” signs.

18 7. That day, I took photographs of the vandalized signs, sent the photos to the police, and  
19 reported the vandalism as hate speech. True and correct copies of the pictures I took are attached  
20 as Exhibit A. As set forth above, I never received a response from the police department about  
21 this vandalism.

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

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

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 #42 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.*

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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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