

**John Doe #45**

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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 v.          23 <b>Debra Bowen, et al.,</b>          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>
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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 gave approximately \$ **XXX** to National Organization  
6 for Marriage California - Yes on 8, sponsored by National Organization for Marriage.

7 4. In support of Proposition 8, I also put out “Yes on 8” yard signs. Approximately two  
8 weeks before the November 2008 election, someone ripped down the “Yes on 8” sign in our  
9 front yard on a quiet street. I work the 3:00 p.m. to 11:30 p.m. shift, and I usually get home  
10 between midnight and 12:30 a.m. On the evening that this first sign was destroyed, I went into  
11 the garage to put my recyclables in the recycle can and heard male voices in my front yard. By  
12 the time I went back inside and out my front door, they had already pulled up the sign, and ripped  
13 it apart into several pieces. When I stepped outside, I saw two teenaged boys running away, and  
14 believe that a third ran the other way.

15 5. About a week later, the signs I had replaced the original in my yard with were also  
16 stolen. Other signs I had placed around the neighborhood were also stolen repeatedly,  
17 particularly in the two weeks leading up to the November 2008 election.

18 6. I was nervous to put out these signs in the first place, because the last thing that I want  
19 to do is offend anyone. However, because I want to support what I believe is right, I put out the  
20 signs. I thought it was very disrespectful for people to steal and vandalize my property.  
21 Although I would hope that I would support a good cause whatever the persecution that might  
22 happen to me, I will have to seriously consider my livelihood and the safety of my family in the  
23 future when deciding to support a cause similar to Proposition 8.

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

1 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
2 AND CORRECT.

3  
4 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 #45 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  
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*Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

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*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.

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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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