

John Doe #49

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 (AZ 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*

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

<p>19 ProtectMarriage.com, et al., 20 21 <i>Plaintiffs,</i> v. 22 Debra Bowen, et al., 23 24 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD 25 DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT Date: TBD Time: TBD. Judge England</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

26
 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, I handed out approximately 200 Yes on 8 yard signs. I
6 passed out some of these yard signs at my church.

7 4. At my church, I urged my pastor to make an announcement regarding Proposition 8,
8 because both the Los Angeles Diocese and the Roman Catholic Church were supporting the
9 ballot measure. Despite the strong statements of many Bishops in support of Proposition 8, my
10 pastor told me privately, and parishioners at Mass, that he was not going to tell them how to vote.

11 5. Because of my involvement in supporting Proposition 8 and my attempts to promote it
12 at church, my pastor told me that he thought I should find another church.

13 6. I was shocked that he would say this. I didn't think that he had any right to say this to
14 me.

15 7. Because of the threats and harassment associated with Proposition 8, I would not place
16 a bumper sticker supporting Proposition 8 on my car.

17 8. In support of Proposition 8, I placed a Yes on 8 sign in my front yard. The sign was
18 not disturbed for approximately a month and a half. Approximately a week to ten days before the
19 election, someone removed the sign itself. The metal support for the sign was bent out of shape
20 and thrown on the ground.

21 9. On the day that my Yes on 8 sign was taken, the No on 8 signs at the homes on either
22 side of my home remained intact.

23

24

25

26

27

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

1 10. I believe my friendship with a long-time friend was risked when she saw my “Yes on
2 8” sign and said she was hurt by my support of the initiative. She was visibly upset and angry
3 with me, though she has always known that I am on the other side of most of the social issues
4 that she espouses. At the time, I believed that our friendship might have been compromised by
5 my public support for Proposition 8. However, it appears that we have now both moved beyond
6 our differences.

7 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
8 AND CORRECT.

9
10 Executed on:

REDACTED

REDACTED

REDACTED

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
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 #49 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