

John Doe #56

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 (Ariz. State 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 <b>ProtectMarriage.com, et al.,</b>          20          21 <i>Plaintiffs,</i>          v.          22 <b>Debra Bowen, et al.,</b>          23          24 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD          25 <b>DECLARATION OF [REDACTED]</b>  <b>IN SUPPORT OF PLAINTIFFS' MOTION</b>  <b>FOR SUMMARY JUDGMENT</b>          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 made a donation of **\$X,XXX** to ProtectMarriage.com - Yes  
6 on 8, a Project of California Renewal in the name of my business.

7 4. After this donation, a man called my office and left me a voice mail message in which  
8 he called me a “bigot” and told me I should be “ashamed.” After listening to this message, I had  
9 the impression that the man who called me had a list of people he was calling and saying similar  
10 things to.

11 5. In support of Proposition 8, I also participated in “wave parties” where I stood on a  
12 sidewalk and waved to passing motorists. While waving, people would regularly make obscene  
13 gestures to and yell at those of us waving.

14 6. In support of Proposition 8, I also placed a sign supporting Proposition 8 in my yard.  
15 Someone took down this sign and ripped it down the middle during the day.

16 7. In support of Proposition 8, I also had a bumper sticker taped to the front window of  
17 my car, canvassed my neighborhood to find supporters of Proposition 8, worked the telephones  
18 on election day, worked with ProtectMarriage.com and spoke at churches to encourage the  
19 support of Proposition 8, and produced a video to support Proposition 8.

20 8. After these incidents, I took the address of my business - which is also my home  
21 address - off of my business’s website, leaving only my name and telephone number on the  
22 website as my contact information.

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 #56 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