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14

15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF CALIFORNIA  
17

18 **PROTECTMARRIAGE.COM, et al.,**

19 Plaintiff,

20 v.

21 **DEBRA BOWEN, SECRETARY OF**  
22 **STATE FOR THE STATE OF**  
23 **CALIFORNIA, et al.,**

24 Defendants.  
25  
26  
27  
28

2:09-cv-00058-MCE-DAD

**DECLARATION OF LAWRENCE T. WOODLOCK**

Date: TBD

Time: TBD

Courtroom: 7, 14th Floor

The Honorable Morrison C. England, Jr.

Trial Date: March 14, 2011

Action Filed: January 7, 2009

1 I, Lawrence T. Woodlock, counsel of record for Defendant members of the California Fair  
2 Political Practices Commission, make the following declaration in support of State Defendants'  
3 Notice of Motion and Motion Under Rule 56(f):

- 4 1. I am a resident of the State of California, over 18 years of age, and make this  
5 declaration based upon personal knowledge and belief.
- 6 2. After reviewing the points and authorities filed in support of Plaintiffs' Motion for  
7 Summary Judgment (Motion), I believe that, absent a denial of the Motion or  
8 continuance thereof to a date no earlier than December 18, 2009, State Defendants will  
9 be unable to obtain, through discovery or otherwise, and present facts essential to justify  
10 their opposition to Plaintiffs' motion.
- 11 3. It will be necessary for State Defendants to obtain and review each of the ballot-  
12 committee Plaintiffs' semi-annual campaign statements, because these statements will  
13 demonstrate the total amount of contributions Plaintiffs received, as well as providing  
14 information about the amount and nature of expenditures made, by each ballot-  
15 committee Plaintiff for the period between January 1, 2009 – June 30, 2009. These  
16 campaign reports will cover a period during which Plaintiffs allege continuing reprisals  
17 have diminished their ability to raise funds, and State Defendants believe that such  
18 information will be essential to demonstrate the actual impact, if any, the alleged  
19 reprisals have had on Plaintiffs' ability to raise funds and engage in political speech  
20 regarding Proposition 8. Absent this information, State Defendants can only speculate  
21 as to the impact, if any, the alleged reprisals have had on Plaintiffs' ability to engage in  
22 political speech.
- 23 4. It is my understanding and belief that the individuals we will have review the  
24 campaign statements will need no less than four months after the statements are filed to  
25 analyze and compile the information contained in the reports in a manner sufficient to  
26 enable the State Defendants to measure and evaluate the contributions and expenditures  
27 from this first post-election reporting period. These campaign statements will provide  
28

1 empirical evidence essential to a full and accurate picture of Plaintiffs' ability to engage  
2 in political speech regarding Proposition 8.

3 5. It is my understanding and belief that we will also need to consult experts in order to  
4 address Plaintiffs' contentions regarding the impact of modern technology on the ability  
5 of ballot committees to successfully engage in fundraising. Plaintiffs appear to argue  
6 that modern technology has had a negative impact on their ability to engage in political  
7 fundraising regarding Proposition 8. Therefore, the question as to whether ballot  
8 measure contributions have been increasing over the years, rather than decreasing as  
9 Plaintiffs' claims would suggest, is essential to State Defendants' arguments in  
10 opposition to Plaintiffs' Motion. State Defendants will need to consult experts in order  
11 to address this issue raised by Plaintiffs. I anticipate that State Defendants will need no  
12 less than four months to retain experts in this field, and to permit them time to reach  
13 well-founded conclusions.

14 6. It is my understanding and belief that State Defendants will need to consult experts  
15 regarding the State's interest in public disclosure of ballot-committee contributor  
16 identity, including relatively small donors, and the injury to the State's electoral process  
17 if disclosure is withheld whenever a ballot measure election generates controversy.  
18 Experts will also need to be consulted regarding "normal" levels of heated debate,  
19 discourse, demonstrations, petty vandalism, and boycotts during ballot measure  
20 elections, and whether such activity results in any measurable chilled speech. I  
21 anticipate that State Defendants will need no less than four months to obtain experts in  
22 this field, and to permit them time to reach well-founded conclusions.

23  
24 I declare under penalty of perjury that the foregoing is true and correct.

25  
26 Executed on June 10, 2009.

/s/ Lawrence T. Woodlock  
Lawrence T. Woodlock