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 REGISTRAR-RECORDER/COUNTY  
 7 CLERK

8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

11 ProtectMarriage.com - Yes on 8, a Project of  
 12 California Renewal; National Organization for  
 Marriage California - Yes on 8, Sponsored by  
 13 National Organization for Marriage, John Doe  
 #1, an individual, and as a representative of the  
 14 Class of Major Donors; and National  
 Organization for Marriage California PAC  
 15 Plaintiffs,

v.

16 **Debra Bowen**, Secretary of State for the State of  
 California, her official capacity; **Edmund G.**  
 17 **Brown, Jr.**, Attorney General for the State of  
 California, in his official capacity; **Dean C.**  
 18 **Logan**, Registrar-Recorder of Los Angeles  
 County, California in his official capacity;  
 19 **Department of Elections - City and County of**  
**San Francisco, Jan Scully**, District Attorney for  
 20 Sacramento County, California, in her official  
 capacity and as a representative of the class of  
 21 District Attorneys in the State of California;  
**DENNIS J. HERRERA**, City Attorney for the  
 22 city and county of San Francisco, California in  
 his official capacity and as a representative of the  
 23 Class of Elected City Attorneys in the State of  
 California; **Ross Johnson, Timothy Hodson,**  
 24 **Eugene Huguenin, Jr., Robert Leidigh, and**  
**Ray Remy**, members of the California Fair  
 25 Political Practices Commission, in their official  
 capacities,  
 26 Defendants.

CASE NO. 2:09-CV-0058-  
 MCE-DAD

**ANSWER OF DEFENDANT  
 DEAN C. LOGAN TO  
 THIRD AMENDED  
 COMPLAINT**

Judge Morrison C. England, Jr.

1 Defendant Dean Logan, in his capacity as Los Angeles County Registrar-  
2 Recorder/County Clerk, hereby answers Plaintiffs' Second Amended Complaint as  
3 follows:  
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5 1. Answering paragraphs 1, 2, 3 and 4, this answering Defendant contends  
6 that said paragraphs contain conclusions of law and not averments of fact to which  
7 an answer may be required, but insofar as an answer may be deemed required, this  
8 answering Defendant generally and specifically denies each and every allegation in  
9 said paragraphs.  
10

11 I.

12 **JURISDICTION AND VENUE**

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14 2. Answering paragraphs 5, 6 and 7, this answering Defendant contends  
15 that said paragraphs contain conclusions of law and not averments of fact to which  
16 an answer may be required, but insofar as an answer may be deemed required, this  
17 answering Defendant generally and specifically denies each and every allegation in  
18 said paragraphs.  
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20 II.

21 **PARTIES**

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24 3. Answering paragraphs 8, 9, 10, 11, 12, 13 and 14, this answering  
25 Defendant lacks sufficient information or knowledge to enable him to answer the  
26 allegations contained in said paragraph, and basing his denial on that ground,  
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1 generally and specifically denies each and every allegation contained in said  
2 paragraphs.

3  
4 4. Answering paragraph 15, this answering Defendant admits that Debra  
5 Bowen is the Secretary of State of California. Answering the remaining allegations  
6 contained in said paragraph, this answering Defendant contends that said paragraph  
7 contains conclusions of law and not averments of fact to which an answer may be  
8 required, but insofar as an answer may be deemed required, this answering  
9 Defendant generally and specifically denies each and every allegation in said  
10 paragraph. 5.  
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13 5. Answering Paragraph 16, this answering Defendant admits that  
14 Edmund Brown, Jr., is the Attorney General of California. Answering the remaining  
15 allegations contained in said paragraph, this answering Defendant contends that said  
16 paragraph contains conclusions of law and not averments of fact to which an answer  
17 may be required, but insofar an answer may be deemed required, this answering  
18 Defendant generally and specifically denies each and every allegation in said  
19 paragraph.  
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22 6. Answering Paragraphs 18 and 19, this answering Defendant lacks  
23 sufficient information or knowledge to enable him to answer the allegations  
24 contained in said paragraphs, and basing his denial on that ground, generally and  
25 specifically denies each and every allegation contained in said paragraphs.  
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1 Defendant generally and specifically denies each and every allegation in said  
2 paragraphs.

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4 IV.

5 **FACTS**

6 10. Answering paragraphs 24 through 65, this answering Defendant lacks  
7 sufficient information or knowledge to enable him to answer the remaining  
8 allegations contained in said paragraphs, and basing his denial on that ground,  
9 generally and specifically denies each and every allegation contained in said  
10 paragraphs.  
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13 V.

14 **COUNT 1**

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16 11. Answering paragraph 66, this answering Defendant incorporates by  
17 reference his responses to paragraphs 1 through 65 as though fully restated herein.

18 12. Answering paragraphs 67 through 78 (including footnotes), this  
19 answering Defendant contends that said paragraphs contain conclusions of law and  
20 not averments of fact to which an answer may be required, but insofar as an answer  
21 may be deemed required, this answering Defendant generally and specifically denies  
22 each and every allegation in said paragraphs.  
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25 13. Answering paragraphs 79 through 85, this answering Defendant lacks  
26 sufficient information or knowledge to enable him to answer the allegations  
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1 contained in said paragraphs, and basing his denial on that ground, generally and  
2 specifically denies each and every allegation contained in said paragraphs. In  
3 addition, Defendant contends that said paragraphs contain conclusions of law and  
4 not averments of fact to which an answer may be required, but insofar as an answer  
5 may be deemed required, this answering Defendant generally and specifically denies  
6 each and every allegation in said paragraphs.  
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8  
9 **Prayer for Relief**

10 14. Answering paragraph 86 and its subparagraphs of Plaintiffs' Prayer for  
11 Relief, this answering Defendant contends that said paragraphs do not contain  
12 averments of fact to which an answer may be required, but insofar as an answer may  
13 be deemed required, Defendant generally and specifically denies each and every  
14 allegation in said paragraphs.  
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17 VI.

18 **COUNT 2**

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20 15. Answering paragraph 87, this answering Defendant incorporates by  
21 reference his responses to paragraphs 1 through 86 as though fully restated herein.  
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23 16. Answering paragraphs 88 through 98, this answering Defendant lacks  
24 sufficient information or knowledge to enable him to answer the allegations  
25 contained in said paragraphs, and basing his denial on that ground, generally and  
26 specifically denies each and every allegation contained in said paragraphs. In  
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1 addition, Defendant contends that said paragraphs contain conclusions of law and  
2 not averments of fact to which an answer may be required, but insofar as an answer  
3 may be deemed required, this answering Defendant generally and specifically denies  
4 each and every allegation in said paragraphs.  
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6 **Prayer for Relief**  
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8 17. Answering paragraph 99 and its subparagraphs of Plaintiffs' Prayer for  
9 Relief, this answering Defendant contends that said paragraphs do not contain  
10 averments of fact to which an answer may be required, but insofar as an answer may  
11 be deemed required, Defendant generally and specifically denies each and every  
12 allegation in said paragraphs.  
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14 VII.  
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16 **COUNT 3**

17 18. Answering paragraph 100, this answering Defendant incorporates by  
18 reference his responses to paragraphs 1 through 99 as though fully restated herein.  
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20 19. Answering paragraphs 101 through 110, this answering Defendant  
21 lacks sufficient information or knowledge to enable him to answer the allegations  
22 contained in said paragraphs, and basing his denial on that ground, generally and  
23 specifically denies each and every allegation contained in said paragraphs. In  
24 addition, Defendant contends that said paragraphs contain conclusions of law and  
25 not averments of fact to which an answer may be required, but insofar as an answer  
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1 may be deemed required, this answering Defendant generally and specifically denies  
2 each and every allegation in said paragraphs.

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4 **Prayer for Relief**

5 20. Answering paragraph 111 and its subparagraphs of Plaintiff's Prayer  
6 for Relief, this answering Defendant contends that said paragraphs do not contain  
7 averments of fact to which an answer may be required, but insofar as an answer may  
8 be deemed required, Defendant generally and specifically denies each and every  
9 allegation in said paragraphs.  
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12 VIII.

13 **COUNT 4**

14 21. Answering paragraph 112, this answering Defendant incorporates by  
15 reference his responses to paragraphs 1 through 111 as though fully restated herein.  
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17 22. Answering paragraph 113 through 123, this answering Defendant lacks  
18 sufficient information or knowledge to enable him to answer the allegations  
19 contained in said paragraphs, and basing his denial on that ground, generally and  
20 specifically denies each and every allegation contained in said paragraphs. In  
21 addition, Defendant contends that said paragraphs contain conclusions of law and  
22 not averments of fact to which an answer may be required, but insofar as an answer  
23 may be deemed required, this answering Defendant generally and specifically denies  
24 each and every allegation in said paragraphs.  
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**Prayer for Relief**

23. Answering paragraph 124 and its subparagraphs of Plaintiffs ' Prayer for Relief, this answering Defendant contends that said paragraphs do not contain averments of fact to which an answer may be required, but insofar as an answer may be deemed required, Defendant generally and specifically denies each and every allegation in said paragraphs.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

1. The Complaint fails to state facts sufficient to constitute claims upon which relief can be granted against this answering Defendant as a State mandated filing officer.

**SECOND AFFIRMATIVE DEFENSE**

2. Defendant is mandated by statute to perform the ministerial duty as a filing officer therefore this action against him is without basis in law.

3. Plaintiffs' claims and each of them are barred on the grounds that Plaintiffs lack any remedy and therefore the Court lacks jurisdiction over any such claims.

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WHEREFORE, Defendant Dean C. Logan prays for judgment as follows:

- 1. That Plaintiffs' action be dismissed;
- 2. That Plaintiffs take nothing by way of their Complaint;
- 3. That Defendant be awarded her costs of suit, including attorney fees; and,
- 4. For such other relief as the Court deems proper.

DATED: June 11, 2009

Respectfully submitted,

OFFICE OF THE COUNTY COUNSEL

By  /s/ Judy W. Whitehurst  
 JUDY W. WHITEHURST  
 Principal Deputy County Counsel

Attorneys for Dean C. Logan, Los Angeles  
 County Registrar-Recorder/County Clerk