

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*
 ** *Designated Counsel for Service*

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

<p>19</p> <p>20 PROTECTMARRIAGE.COM, et al.,</p> <p>21 Plaintiffs,</p> <p>22 vs.</p> <p>23 DEBRA BOWEN, et al.,</p> <p>24 Defendants.</p>	<p>Case No. 2:09-CV-00058-MCE-DAD</p> <p>STIPULATION TO AND REQUEST FOR CONTINUANCE WITH RESPECT TO THE HEARING ON STATE DEFENDANTS' MOTION UNDER RULE 56(f)</p> <p>Judge Morrison C. England, Jr.</p> <p>Date: June 18, 2009 Time: 10:00 a.m. Courtroom: 7, 14th Floor</p>
--	--

27
 28

1 Plaintiffs ProtectMarriage.com—Yes on 8, a Project of California Renewal
2 (“**ProtectMarriage.com**”), National Organization for Marriage—Yes on 8, Sponsored by
3 National Organization for Marriage (“**NOM-California**”), John Doe #1, an individual, and as a
4 representative of the proposed Class of Major Donors (“**Major Donors**”), and National
5 Organization for Marriage California PAC (“**NOM-California PAC**”) respectfully request that
6 the Court delay the start of the hearing on State Defendants’ Motion Under Rule 56(f) until
7 11:00 a.m. P.S.T. on June 18, 2009, so that Plaintiffs’ counsel may participate telephonically,
8 and in support thereof state:

9 (1) On Friday, June 5, 2009, Zackery Morazzini, counsel for Defendants Debra Bowen and
10 Edmund G. Brown, Jr., requested, and Plaintiffs consented to, an expedited hearing date
11 on State Defendants’ Rule 56(f) motion. The parties agreed to a hearing date no later
12 than Friday, June 19, 2009, and agreed to refrain from setting a proposed date/time to
13 allow the Court the maximum flexibility in setting a hearing date.

14 (2) On Friday, June 12, 2009, the Court set the hearing for Thursday, June 18, 2009, at
15 10:00 a.m. P.S.T.

16 (3) Counsel for Plaintiffs have a prior commitment on June 18 that requires them to be in
17 North Carolina.

18 (4) Counsel for Plaintiffs’ commitment precludes them from participating in a hearing at
19 10:00 a.m. P.S.T. However, Plaintiffs’ counsel will be available at 11:00 a.m. P.S.T.¹

20 Wherefore, Plaintiffs respectfully request that the Court delay the hearing one (1) hour, so
21 that Plaintiffs’ counsel may participate.

22
23 Dated this 15th day of June, 2009.
24
25
26

27 ¹ Plaintiffs are aware of L.R. 78-230, which states that all requests for continuances shall be
28 made at least five court days prior to the scheduled hearing date. In light of the accelerated
hearing schedule set by the Court on Friday, June 12, 2009, Plaintiffs respectfully request that
the Court consider this request as timely.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Benjamin W. Bull (Ariz. State Bar No. 009940)
ALLIANCE DEFENSE FUND
15100 North 90th Street
Scottsdale, Arizona 85260
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. Bar No. 234325)
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, CA 95630
Counsel for All Plaintiffs
Designated Counsel for Service

/s/ Scott F. Bieniek
James Bopp, Jr. (Ind. Bar No. 2838-84)
Barry A. Bostrom (Ind. Bar No. 11912-84)
Sarah E. Troupis (Wis. Bar No. 1061515)
Scott F. Bieniek (Ill. Bar No. 6295901)
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807-3510
Counsel for All Plaintiffs

So Stipulated:

Date: June 12, 2009

/s/ Douglas J. Woods (as authorized on 6/12/09)
Douglas J. Woods
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Date: June ____, 2009

Judy W. Whitehurst
Attorney for Defendant Dean C. Logan

Date: June ____, 2009

Terence J. Cassidy
Attorney for Defendant Jan Scully

Date: June ____, 2009

Mollie M. Lee
*Attorney for Defendants Dennis J. Herrera and
Department of Elections - City and County of San
Francisco*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: June ____, 2009

Lawrence T. Woodlock
*Attorney for Defendant Members of the Fair Political
Practices Commission*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

/s/ Scott F. Bieniek

Benjamin W. Bull (Ariz. State Bar No. 009940)
ALLIANCE DEFENSE FUND
15100 North 90th Street
Scottsdale, Arizona 85260
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. Bar No. 2838-84)
Barry A. Bostrom (Ind. Bar No. 11912-84)
Sarah E. Troupis (Wis. Bar No. 1061515)
Scott F. Bieniek (Ill. Bar No. 6295901)
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807-3510
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. Bar No. 234325)
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, CA 95630
Counsel for All Plaintiffs
Designated Counsel for Service

So Stipulated:

Date: June __, 2009

Douglas J. Woods
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Date: June 12, 2009



Judy W. Whitehurst
Attorney for Defendant Dean C. Logan

Date: June __, 2009

Terence J. Cassidy
Attorney for Defendant Jan Scully

Date: June __, 2009

Mollie M. Lee
*Attorney for Defendants Dennis J. Herrera and
Department of Elections - City and County of San
Francisco*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

/s/ Scott F. Bieniek

Benjamin W. Bull (Ariz. State Bar No. 009940)
ALLIANCE DEFENSE FUND
15100 North 90th Street
Scottsdale, Arizona 85260
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. Bar No. 2838-84)
Barry A. Bostrom (Ind. Bar No. 11912-84)
Sarah E. Troupis (Wis. Bar No. 1061515)
Scott F. Bieniek (Ill. Bar No. 6295901)
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807-3510
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. Bar No. 234325)
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, CA 95630
Counsel for All Plaintiffs
Designated Counsel for Service

So Stipulated:

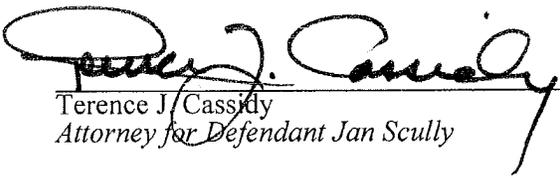
Date: June __, 2009

Douglas J. Woods
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Date: June __, 2009

Judy W. Whitehurst
Attorney for Defendant Dean C. Logan

Date: June 15, 2009



Terence J. Cassidy
Attorney for Defendant Jan Scully

Date: June __, 2009

Mollie M. Lee
*Attorney for Defendants Dennis J. Herrera and
Department of Elections - City and County of San
Francisco*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

/s/ Scott F. Bieniek

Benjamin W. Bull (Ariz. State Bar No. 009940)
ALLIANCE DEFENSE FUND
15100 North 90th Street
Scottsdale, Arizona 85260
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. Bar No. 2838-84)
Barry A. Bostrom (Ind. Bar No. 11912-84)
Sarah E. Troupis (Wis. Bar No. 1061515)
Scott F. Bieniek (Ill. Bar No. 6295901)
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807-3510
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. Bar No. 234325)
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, CA 95630
Counsel for All Plaintiffs
Designated Counsel for Service

So Stipulated:

Date: June __, 2009

Douglas J. Woods
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Date: June __, 2009

Judy W. Whitehurst
Attorney for Defendant Dean C. Logan

Date: June __, 2009

Terence J. Cassidy
Attorney for Defendant Jan Scully

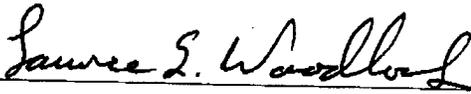
Date: June 12, 2009



Mollie M. Lee
*Attorney for Defendants Dennis J. Herrera and
Department of Elections - City and County of San
Francisco*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: June 15, 2009



Lawrence T. Woodlock
*Attorney for Defendant Members of the Fair Political
Practices Commission*

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 15, 2009, I electronically filed the foregoing document described as Stipulation and
5 Request for Continuance with Respect to the Hearing on State Defendants' Motion Under Rule
6 56(f), with the Clerk of Court using the CM/ECF system which will send notification of such
7 filing to:

8 Zackery P. Morazzini
9 zackery.morazzini@doj.ca.gov
10 *Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

11 Judy W. Whitehurst
12 jwhitehurst@counsel.lacounty.gov
13 *Attorney for Defendant Dean C. Logan*

14 Terence J. Cassidy
15 tcassidy@porterscott.com
16 *Attorney for Defendant Jan Scully*

17 Mollie M. Lee
18 mollie.lee@sfgov.org
19 *Attorney for Defendants Dennis J. Herrera and*
20 *Department of Elections - City and Count of San Francisco*

21 Lawrence T. Woodlock
22 lwoodlock@fppc.ca.gov
23 *Attorney for Defendant Members of the Fair Political*
24 *Practices Commission*

25 I declare under the penalty of perjury under the laws of the State of Indiana that the above is
26 true and correct. Executed this 15th day of June, 2009.

27 /s/ Scott F. Bieniek
28 Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs