

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*

**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>REQUEST FOR TELEPHONIC APPEARANCE 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>
--	--

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 to
6 appear at the June 18, 2009 hearing on State Defendants’ Motion Under Rule 56(f)
7 telephonically, and in support thereof state:

- 8 (1) On Friday with June 5, 2009, Zackery Morazzini, counsel for Defendants Debra Bowen
9 and Edmund G. Brown, Jr., requested, and Plaintiffs consented to, an expedited hearing
10 date on State Defendants’ Rule 56(f) motion. The parties agreed to a hearing date no
11 later than Friday, June 19, 2009, and agreed to refrain from setting a proposed date/time
12 to allow the Court the maximum flexibility in setting a hearing date.
- 13 (2) On Friday, June 12, 2009, the Court set the hearing for Thursday, June 18, 2009, at
14 10:00 a.m. P.S.T.
- 15 (3) Counsel for Plaintiffs have a prior commitment on June 18 that requires them to be in
16 North Carolina.
- 17 (4) Plaintiffs, concurrently with this request, have filed a stipulation signed by all parties,
18 agreeing to delay the start of the hearing until 11:00 a.m. on June 18, 2009, so that
19 Plaintiffs’ counsel may participate telephonically.

20 Wherefore, Plaintiffs respectfully request to make a telephonic appearance at the June 18,
21 2009 hearing.

22 Counsel’s direct telephone number for the morning of the hearing is: (812) 243-0825.

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

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

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

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

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 Request for
5 Telephonic Appearance on State Defendants’ Motion Under Rule 56(f), 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 15th day of June, 2009.

20
21 /s/ Scott F. Bieniek
22 Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs