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**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>DECLARATION OF SCOTT F. BIENIEK IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO STATE DEFENDANTS’ MOTION UNDER RULE 56(f)</p> <p>Date: June 18, 2009 Time: 10:00 a.m. Courtroom: 7, 14th Floor</p> <p>Judge Morrison C. England, Jr.</p>
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1 I, Scott F. Bieniek, make the following declaration pursuant to 28 U.S.C. 1746:

2 1. I am an attorney at law licensed to practice in the State of Illinois. I am an attorney at
3 the law firm of Bopp, Coleson, & Bostrom in Terre Haute, Indiana. I have personal knowledge
4 of the facts set forth in this declaration, and if called as a witness, I can and would testify
5 competently thereto.

6 2. As counsel for Plaintiffs ProtectMarriage.com—Yes on 8, a Project of California
7 Renewal (“ProtectMarriage.com”), National Organization for Marriage—Yes on 8, Sponsored
8 by National Organization for Marriage (“NOM-California”), John Doe #1, an individual, and as
9 a representative of the proposed Class of Major Donors (“Major Donors”), and National
10 Organization for Marriage California PAC (“NOM-California PAC”), I have handled primary
11 communications with opposing counsel.

12 3. The parties exchanged initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or
13 about April 1, 2009, consistent with the Joint Status Report filed on March 6, 2009.

14 4. To date, no defendant has served a discovery request upon Plaintiffs.

15 5. On Wednesday, June 10, 2009, Mollie M. Lee, Counsel for Defendants Department of
16 Elections – City and County of San Francisco and Dennis J. Herrera contacted me regarding the
17 possibility of entering into a modified protective order and about the possibility of obtaining
18 unredacted versions of the declarations.

19 6. To date, no other defendant has contacted Plaintiffs regarding discovery.

20 7. I personally redacted each of the declarations filed in support of Plaintiffs’ motions for
21 preliminary injunction and summary judgment. I made every attempt to redact only identifying
22 information.

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

25 Dated this 13th day of June, 2009.

26 By: /s/ Scott F. Bieniek
27 Scott F. Bieniek
28 *Counsel for All Plaintiffs*