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 Attorneys for Defendants  
 8 Department of Elections - City and County of San Francisco and  
 Dennis J. Herrera, City Attorney for the City and County of San Francisco  
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 11 UNITED STATES DISTRICT COURT  
 12 EASTERN DISTRICT OF CALIFORNIA  
 13 SACRAMENTO DIVISION

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

18 Plaintiffs,

19 vs.

20 **Debra Bowen**, Secretary of State for the State  
 of California, in her official capacity; **Edmund**  
 21 **G. Brown, Jr.**, Attorney General for the State  
 of California, in his official capacity; **Dean C.**  
 22 **Logan**, Registrar-Recorder of Los Angeles  
 County, California, in his official capacity;  
 23 **Department of Elections - City and County**  
**of San Francisco; Jan Scully**, District  
 24 Attorney for Sacramento County, California, in  
 her official capacity and as a representative of  
 25 the Class of District Attorneys in the State of  
 California; **Dennis J. Herrera**, City Attorney  
 26 for the City and County of San Francisco,  
 California, in his official capacity and as a

Case No. 2:09-CV-00058-MCE-DAD

**DEFENDANTS DEPARTMENT OF**  
**ELECTIONS – CITY AND COUNTY OF SAN**  
**FRANCISCO AND DENNIS J. HERRERA'S**  
**STATEMENT OF NON-OPPOSITION TO**  
**PLAINTIFFS' MOTION FOR**  
**CERTIFICATION OF CLASS ACTION**

27 DEFENDANTS DEPARTMENT OF ELECTIONS  
 28 AND DENNIS J. HERRERA'S STATEMENT OF  
 NON-OPPOSITION TO PLAINTIFFS' MOTION FOR  
 CERTIFICATION OF CLASS ACTION  
 CASE NO. 2:09-CV-00058-MCE-DAD

1 representative of the Class of Elected City  
2 Attorneys in the State of California; **Ross**  
3 **Johnson, Timothy Hodson, Eugene**  
4 **Huguenin, Jr., Robert Leidigh, and Ray**  
5 **Remy**, members of the California Fair Political  
6 Practices Commission, in their official  
7 capacities,

8 Defendants.

9 Defendants Department of Elections – City and County of San Francisco and Dennis J.  
10 Herrera, City Attorney for the City and County of San Francisco, in his official capacity (collectively  
11 "San Francisco Defendants") take no position on Plaintiffs' Motion for Certification of Class Action.  
12 The San Francisco Defendants therefore file this Statement of Non-Opposition to Plaintiffs' Motion for  
13 Certification of Class Action.

14 Dated: July 27, 2009

15 DENNIS J. HERRERA  
16 City Attorney  
17 WAYNE SNODGRASS  
18 ANDREW SHEN  
19 MOLLIE LEE  
20 Deputy City Attorneys

21 By:                   /s/ Andrew Shen                    
22 ANDREW SHEN

23 Attorneys for Defendants  
24 DEFENDANTS CITY AND COUNTY OF SAN  
25 FRANCISCO AND DENNIS HERRERA