

James Bopp, Jr. (Ind. State Bar No. 2838-84)\*  
 Richard E. Coleson (Ind. State Bar No. 11527-70)\*  
 Barry A. Bostrom (Ind. State Bar No. 11912-84)\*  
 Sarah E. Troupis (Wis. State Bar No. 1061515)\*  
 Scott F. Bieniek (Ill. State Bar No. 6295901)\*  
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 1 South Sixth Street  
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 Counsel for All Plaintiffs

Benjamin W. Bull (AZ Bar No. 009940)\*  
 ALLIANCE DEFENSE FUND  
 15100 North 90th Street  
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 Telephone: (480) 444-0020  
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 Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)\*\*  
 ALLIANCE DEFENSE FUND  
 101 Parkshore Drive, Suite 100  
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 Telephone: (916) 932-2850  
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 Counsel for All Plaintiffs

\* *Admitted Pro Hac Vice*  
 \*\* *Designated Counsel for Service*

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

**PROTECTMARRIAGE.COM, et al.,**

**Plaintiffs,**

**vs.**

**DEBRA BOWEN, et al.,**

**Defendants.**

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

**Stipulation to Alter the Order Certifying  
 the Plaintiff Class of Major Donors and  
 Request to Approve Class Notice**

Judge Morrison C. England, Jr.

**Stipulation to Alter the Order Certifying the Pl.  
 Class of Major Donors and Request to Approve  
 Class Notice**

Plaintiffs ProtectMarriage.com—Yes on 8, a Project of California Renewal (“**ProtectMarriage.com**”), National Organization for Marriage (“**NOM-California**”), John Doe #1, as the representative of the **Class of Major Donors**, and National Organization for Marriage California PAC (“**NOM-California PAC**”), submit the following stipulation on behalf of the parties, whose consent is indicated below, to correct an oversight in the Court’s order and memorandum granting Plaintiffs’ Motion for Certification of Class Action. (Dkt. 199.)

All individuals and organizations that contributed ten thousand dollars (\$10,000) or more to Plaintiffs ProtectMarriage.com or NOM-California.

(Dkt. 199 at 2.)

All individuals and organizations that contributed ten thousand dollars (\$10,000) or more to ProtectMarriage.com or NOM-California on or before December 31, 2008.

<sup>1</sup> “An order that grants or denies class certification may be altered or amended before final judgment.” Fed. R. Civ. P. 23(c)(1)(C).

**Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve Class Notice**

## II. Request to Approve Class Notice

Attached hereto as Exhibit A, is Plaintiffs' proposed notice to members of the Plaintiff Class of Major Donors. Attached hereto as Exhibit B, is Plaintiffs' proposed notice to the Defendant Class of District Attorneys. Attached hereto as Exhibit C, is Plaintiffs' proposed notice to the Defendant Class of Elected Attorneys. Attached hereto as Exhibit D, is the Request for Exclusion ("Opt-Out") Form.

Pursuant to Federal Rule of Civil 23(c)(2), "the court must direct notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort."

Plaintiffs have proposed an opt-out date of December 31, 2009.

As indicated by their signatures below, the Defendants have consented to the form and content of each of the notices. Plaintiffs now respectfully request the Court's approval of the notices.

If the Court approves the form and content of the notices, Plaintiffs shall send a copy of the relevant notice to each of the class members along with a copy of the request for exclusion form in sealed envelopes with postage thereon fully prepaid via United States mail.

Dated this 9th day of November, 2009.

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*

1 **So Stipulated:**

2 Date: October \_\_\_\_, 2009

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Zackery P. Morazzini  
*Counsel for Defendants Debra Bowen and  
Edmund G. Brown, Jr.*

6 Date: October \_\_\_\_, 2009

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Judy W. Whitehurst  
*Counsel for Defendant Dean C. Logan*

10 Date: October \_\_\_\_, 2009

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Terence J. Cassidy  
*Counsel for the Defendant Class of District  
Attorneys*

15 Date: October \_\_\_\_, 2009

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Mollie M. Lee  
*Counsel for the Defendant Class of Elected  
Attorneys and Department of Elections — City  
and County of San Francisco*

20 Date: October \_\_\_\_, 2009

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

22 **IT IS SO ORDERED.**

23 Date: November \_\_\_\_, 2009.

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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

1 So Stipulated:

2 Date: <sup>November 6</sup>~~October~~ \_\_\_\_\_, 2009

Zackery P. Morazzini  
Zackery P. Morazzini  
Counsel for Defendants Debra Bowen and  
Edmund G. Brown, Jr.

6 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Judy W. Whitehurst  
Counsel for Defendant Dean C. Logan

10 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Terrence J. Cassidy  
Counsel for the Defendant Class of District  
Attorneys

15 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Mollie M. Lee  
Counsel for the Defendant Class of Elected  
Attorneys and Department of Elections — City  
and County of San Francisco

20 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Lawrence T. Woodlock  
Counsel for Defendant Members of the Fair  
Political Practices Commission

22 **IT IS SO ORDERED.**

23 Date: October \_\_\_\_\_, 2009.

\_\_\_\_\_  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE


28  
Stipulation to Alter the Order Certifying the Pl.  
Class of Major Donors and Request to Approve  
Class Notice

1 **So Stipulated:**

2 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Zackery P. Morazzini  
*Counsel for Defendants Debra Bowen and  
Edmund G. Brown, Jr.*

5  
6 November 3, 2009  
7 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
  
Judy W. Whitehurst  
*Counsel for Defendant Dean C. Logan*

10 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Terrence J. Cassidy  
*Counsel for the Defendant Class of District  
Attorneys*

15 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Mollie M. Lee  
*Counsel for the Defendant Class of Elected  
Attorneys and Department of Elections — City  
and County of San Francisco*

20 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Lawrence T. Woodlock  
*Counsel for Defendant Members of the Fair  
Political Practices Commission*

22 **IT IS SO ORDERED.**

23 Date: October \_\_\_\_, 2009.

\_\_\_\_\_  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

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Class Notice

1 **So Stipulated:**

2 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Zackery P. Morazzini  
*Counsel for Defendants Debra Bowen and  
Edmund G. Brown, Jr.*

6 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Judy W. Whitehurst  
*Counsel for Defendant Dean C. Logan*

10 Date: November 9, 2009

\_\_\_\_\_  
/s/ Terence J. Cassidy  
Terence J. Cassidy  
*Counsel for the Defendant Class of District  
Attorneys*  
**As Authorized November 9, 2009**

15 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Mollie M. Lee  
*Counsel for the Defendant Class of Elected  
Attorneys and Department of Elections — City  
and County of San Francisco*

20 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Lawrence T. Woodlock  
*Counsel for Defendant Members of the Fair  
Political Practices Commission*

22 **IT IS SO ORDERED.**

23 Date: November \_\_\_\_\_, 2009.

\_\_\_\_\_  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

1 **So Stipulated:**

2 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Zackery P. Morazzini  
Counsel for Defendants Debra Bowen and  
Edmund G. Brown, Jr.

6 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Judy W. Whitehurst  
Counsel for Defendant Dean C. Logan

10 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Terrence J. Cassidy  
Counsel for the Defendant Class of District  
Attorneys

14 November 6  
15 Date: ~~October~~ \_\_\_\_, 2009

\_\_\_\_\_  
Mollie M. Lee  
Counsel for the Defendant Class of Elected  
Attorneys and Department of Elections — City  
and County of San Francisco

20 Date: October \_\_\_\_, 2009

\_\_\_\_\_  
Lawrence T. Woodlock  
Counsel for Defendant Members of the Fair  
Political Practices Commission

22 **IT IS SO ORDERED.**

23 Date: October \_\_\_\_, 2009.

\_\_\_\_\_  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

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1 **So Stipulated:**

2 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Zackery P. Morazzini  
*Counsel for Defendants Debra Bowen and  
Edmund G. Brown, Jr.*

6 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Judy W. Whitehurst  
*Counsel for Defendant Dean C. Logan*

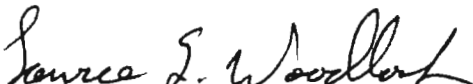
10 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Terrence J. Cassidy  
*Counsel for the Defendant Class of District  
Attorneys*

15 Date: October \_\_\_\_\_, 2009

\_\_\_\_\_  
Mollie M. Lee  
*Counsel for the Defendant Class of Elected  
Attorneys and Department of Elections — City  
and County of San Francisco*

19  
20 Date: <sup>NOV.</sup> ~~October~~ 5, 2009

\_\_\_\_\_  
  
Lawrence T. Woodlock  
*Counsel for Defendant Members of the Fair  
Political Practices Commission*

22 **IT IS SO ORDERED.**

23 Date: October \_\_\_\_\_, 2009.

\_\_\_\_\_  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

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