1 2	James Bopp, Jr. (Ind. State Bar No. 2838-84)* Richard E. Coleson (Ind. State Bar No. 11527-7( Barry A. Bostrom (Ind. State Bar No. 11912-84)			
	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)* BOPP, COLESON & BOSTROM			
3				
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 15100 North 90th Street Scottsdale, Arizona 85260 Telephone: (480) 444-0020 Facsimile: (480) 444-0028 Counsel for All Plaintiffs			
8				
9				
0				
1	Timothy D. Chandler (Cal. State Bar No. 234325)** ALLIANCE DEFENSE FUND 101 Parkshore Drive, Suite 100 Folsom, CA 95630 Telephone: (916) 932-2850 Facsimile: (916) 932-2851			
2				
3				
4	Counsel for All Plaintiffs			
5	* Admitted Pro Hac Vice ** Designated Counsel for Service			
6		District Court		
7	United States District Court Eastern District of California			
8	Sacramento Division			
9	PROTECTMARRIAGE.COM, et al.,	Case No. 2:09-CV-00058-MCE-DAD		
0	Plaintiffs,	Stipulation to Alter the Order Certifying		
1	vs.	the Plaintiff Class of Major Donors and Request to Approve Class Notice		
2	DEBRA BOWEN, et al.,	Judge Morrison C. England, Jr.		
3	Defendants.			
4		<u> </u>		
5				
6				
27				
28		Stimulation to Alter the Order Cartificing the D		
		Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve		
		1 Class Notice		

## I. Stipulation to Alter the Order Certifying the Plaintiff Class of Major Donors

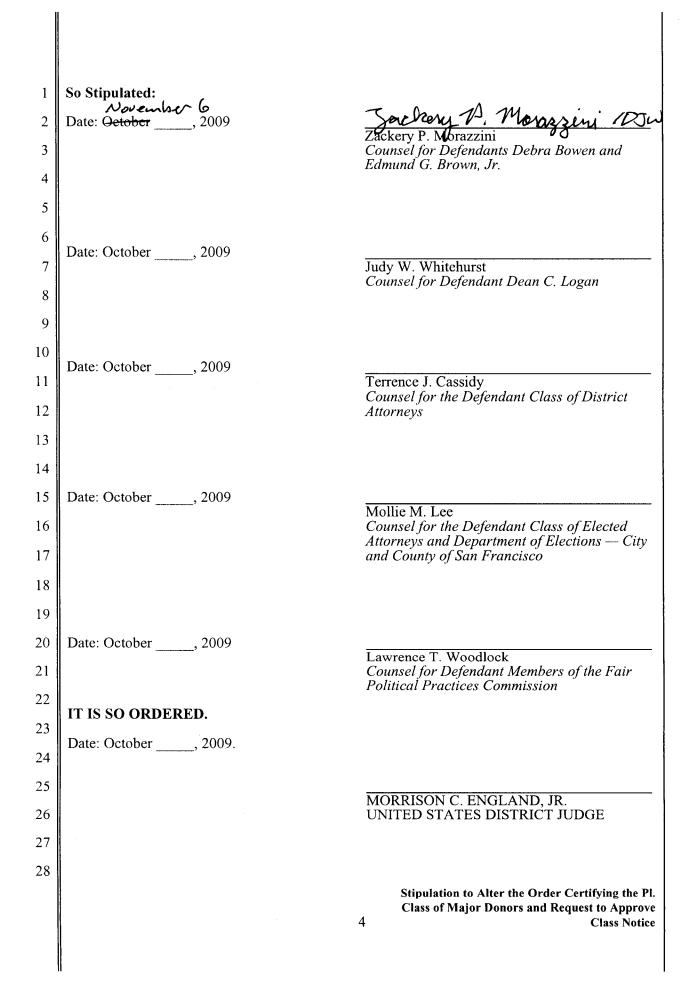
2	U U
	Plaintiffs ProtectMarriage.com—Yes on 8, a Project of California Renewal
3 1	("ProtectMarriage.com"), National Organization for Marriage ("NOM-California"), John Doe
4	#1, as the representative of the Class of Major Donors, and National Organization for Marriage
5	California PAC ("NOM-California PAC"), submit the following stipulation on behalf of the
6	parties, whose consent is indicated below, to correct an oversight in the Court's order and
7	memorandum granting Plaintiffs' Motion for Certification of Class Action. (Dkt. 199.)
8	This stipulation is made pursuant to Federal Rule of Civil Procedure $23(c)(1)(C)^1$ and $60(a)$ . <sup>2</sup>
9	On August 28, 2009, the Court granted Plaintiffs' Motion for Certification of Class Action,
0	certifying a Plaintiff Class of Major Donors, a Defendant Class of District Attorneys, and a
1	Defendant Class of Elected Attorneys. (Dkt. 199). The Court's order defined the Plaintiff Class
2	of Major Donors as:
3 4	All individuals and organizations that contributed ten thousand dollars (\$10,000) or more to Plaintiffs ProtectMarriage.com or NOM-California.
5	(Dkt. 199 at 2.)
6	The language was taken directly from Plaintiffs' Motion for Certification of Class Action.
7	(Dkt. 108 at 2.) Plaintiffs now recognize the definition is less than artfully drawn, as it leaves
8	some ambiguity as to who may be included within the Class of Major Donors. To clear up any
9	confusion, the parties propose that the Definition of the Class of Major Donors be defined as
0	follows:
1	All individuals and organizations that contributed ten thousand dollars (\$10,000) or
2	more to ProtectMarriage.com or NOM-California on or before December 31, 2008.
3	The proposed change ensures that the Class of Major Donors is clearly defined and
4	comports with the requirements of Federal Rule of Civil Procedure 23(c)(1)(B).
5	

<sup>&</sup>lt;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).

<sup>&</sup>lt;sup>2</sup> "The court may correct a clerical mistake or a mistake arising from oversight or ommission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. . . ." Fed. R. Civ. P. 60(a).

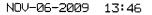
1	II. Request to Approve Class Notice	
2	Attached hereto as Exhibit A, is Plaintiffs' proposed notice to members of the Plaintiff Class	
3	of Major Donors. Attached hereto as Exhibit B, is Plaintiffs' proposed notice to the Defendant	
4	Class of District Attorneys. Attached hereto as Exhibit C, is Plaintiffs' proposed notice to the	
5	Defendant Class of Elected Attorneys. Attached hereto as Exhibit D, is the Request for	
6	Exclusion ("Opt-Out") Form.	
7	Pursuant to Federal Rule of Civil 23(c)(2), "the court must direct notice that is practicable	
8	under the circumstances, including individual notice to all members who can be identified	
9	through reasonable effort."	
10	Plaintiffs have proposed an opt-out date of December 31, 2009.	
11	As indicated by their signatures below, the Defendants have consented to the form and	
12	content of each of the notices. Plaintiffs now respectfully request the Court's approval of the	
13	notices.	
14	If the Court approves the form and content of the notices, Plaintiffs shall send a copy of the	
15	relevant notice to each of the class members along with a copy of the request for exclusion form	
16	in sealed envelopes with postage thereon fully prepaid via United States mail.	
17		
18	Dated this 9th day of November, 2009.	
19	Respectfully submitted,	
20		
21	Benjamin W. Bull (Ariz. State Bar No. 009940) /s/ Scott F. Bieniek James Bopp, Jr. (Ind. Bar No. 2838-84)	
22	ALLIANCE DEFENSE FUNDBarry A. Bostrom (Ind. Bar No.11912-84)15100 North 90th StreetSarah E. Troupis (Wis. Bar No. 1061515)	
23	Scottsdale, Arizona 85260Scott F. Bieniek (Ill. Bar No. 6295901)Counsel for All PlaintiffsBOPP, COLESON & BOSTROM	
24	Timothy D. Chandler (Cal. Bar No. 234325) Doint, Collision & Dosinte Dosinted Dosint	
25	ALLIANCE DEFENSE FUND Counsel for All Plaintiffs   101 Parkshore Drive, Suite 100	
26	Folsom, CA 95630 Counsel for All Plaintiffs	
27	Designated Counsel for Service	
28	Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve 3 Class Notice	

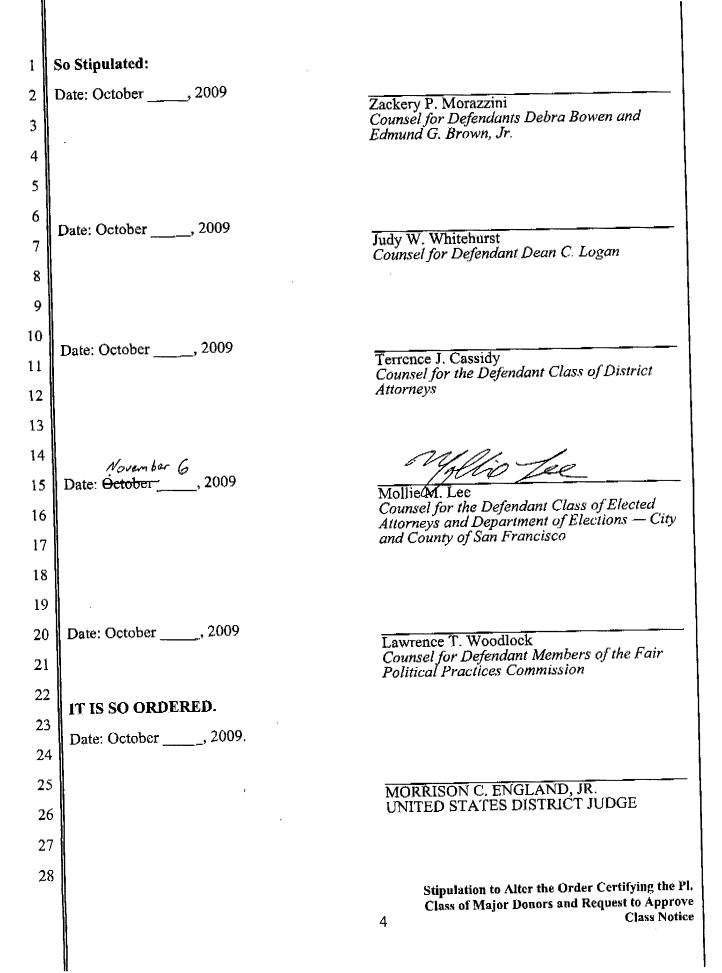
1	So Stipulated:	
2	Date: October, 2009	Zasharry D. Manazzini
3		Zackery P. Morazzini Counsel for Defendants Debra Bowen and
4		Edmund G. Brown, Jr.
5		
6	Deter Ordelter 2000	
7	Date: October, 2009	Judy W. Whitehurst
8		Counsel for Defendant Dean C. Logan
9		
10	Data: October 2000	
11	Date: October, 2009	Terence J. Cassidy
12		<i>Counsel for the Defendant Class of District</i> <i>Attorneys</i>
13		
14		
15	Date: October, 2009	Mollie M. Lee
16		Counsel for the Defendant Class of Elected Attorneys and Department of Elections — City
17		and County of San Francisco
18		
19		
20	Date: October, 2009	Lawrence T. Woodlock
21		Counsel for Defendant Members of the Fair Political Practices Commission
22	IT IS SO ORDERED.	1 onneur 1 ruences commussion
23	Date: November, 2009.	
24	Dute. 110venioer, 2007.	
25		MORRISON C. ENGLAND, JR.
26		UNITED STATES DISTRICT JUDGE
27		
28		
		Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve
		4 Class Notice



1	So Stipulated:	
2	Date: October, 2009	Zackery P. Morazzini
3		Counsel for Defendants Debra Bowen and Edmund G. Brown, Jr.
4		Lunana G. Drown, Jr.
5		
6	November 3,2009 ( Date: October, 2009	riggitutetuest
7	,,	Judy W. Whitehurst Counsel for Defendant Dean C. Logan
8		
9		
10	Date: October, 2009	
11 12		Terrence J. Cassidy Counsel for the Defendant Class of District
12		Attorneys
13		
15	Date: October, 2009	
16		Mollie M. Lee Counsel for the Defendant Class of Elected
17		Attorneys and Department of Elections — City and County of San Francisco
18		
19		
20	Date: October, 2009	Lawrence T. Woodlock
21		Counsel for Defendant Members of the Fair Political Practices Commission
22	IT IS SO ORDERED.	
23	Date: October, 2009.	
24		
25		MORRISON C. ENGLAND, JR.
26		UNITED STATES DISTRICT JUDGE
27		
28		Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve 4 Class Notice
	II	

1	So Stipulated:	
2	Date: October, 2009	Zechem D. Menorini
3		Zackery P. Morazzini Counsel for Defendants Debra Bowen and
4		Edmund G. Brown, Jr.
5		
6	Data: October 2000	
7	Date: October, 2009	Judy W. Whitehurst
8		Counsel for Defendant Dean C. Logan
9		
10	Data Navambar 0, 2000	/s/Taranas I. Cassida
11	Date: November 9, 2009	/s/ Terence J. Cassidy Terence J. Cassidy
12		Counsel for the Defendant Class of District Attorneys
13		As Authorized November 9, 2009
14		
15	Date: October, 2009	Mollie M. Lee
16		Counsel for the Defendant Class of Elected
17		Attorneys and Department of Elections — City and County of San Francisco
18		
19		
20	Date: October, 2009	Lawrence T. Woodlock
21		Counsel for Defendant Members of the Fair Political Practices Commission
22	IT IS SO ORDERED.	Founcal Fractices Commission
23		
24	Date: November, 2009.	
25		MODDISON C ENCLAND ID
26		MORRISON C. ENGLAND, JR. UNITED STATES DISTRICT JUDGE
27		
28		
		4 Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve Class Notice





1	1 So Stipulated:	
2		ackery P. Morazzini
3	3 Ca	bunsel for Defendants Debra Bowen and Imund G. Brown, Jr.
4		initia O. Drown, Sr.
5	5	
6	5 Date: October, 2009	
7	7 🛛 Ju	dy W. Whitehurst Jounsel for Defendant Dean C. Logan
8		ninsel jor Dejendani Dean C. Bogan
9	<b>9</b>	
10	Date: October, 2009	
11	Te Te	errence J. Cassidy bunsel for the Defendant Class of District
12		torneys
13	3	
14	1	
15		ollie M. Lee
16 17	At	nunsel for the Defendant Class of Elected torneys and Department of Elections — City d County of San Francisco
18		
19		0
20		Jance S. Woodlork
21	Co	wrence T. Woodlock nunsel for Defendant Members of the Fair litical Practices Commission
22		unical Fractices Commission
23	3 (	
24	Date: October, 2009.	
25	5 M	ORRISON C ENGLAND IR
26	5 UN	ORRISON C. ENGLAND, JR. NITED STATES DISTRICT JUDGE
27	,	
28	3	
	4	Stipulation to Alter the Order Certifying the Pl. Class of Major Donors and Request to Approve Class Notice