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# Exhibit C

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

## CLASS NOTICE

ATTENTION: AS AN ELECTED CITY ATTORNEY WITH ENFORCEMENT AUTHORITY UNDER THE POLITICAL REFORM ACT OF 1974, YOU ARE HEREBY NOTIFIED THAT:

The case of *ProtectMarriage.com v. Bowen*, Case No. 2:09-cv-00058, now pending in the United States District Court in the Eastern District of California, is an action on behalf of ProtectMarriage.com, National Organization for Marriage California, and the Class of Major Donors against several California state and local officials, including a Defendant Class consisting of all elected city attorneys with enforcement authority under the Political Reform Act of 1974 (the "PRA"), Cal. Gov't Code § 81000 *et seq.*. The lawsuit alleges that various provisions of the PRA violate the Plaintiffs' rights guaranteed by the First Amendment to the Constitution of the United States of America.

### 1. What is this case about?

The Plaintiffs' action arises under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution. The Plaintiffs allege that various provisions of the PRA violate their rights guaranteed by the First Amendment to the Constitution of the United States of America. The Plaintiffs seek declaratory and injunctive relief, and have asked the Court to enjoin Defendants with enforcement authority under the PRA from commencing criminal or civil actions for failing to comply with the provisions Plaintiffs allege are unconstitutional.

The Defendants, including Dennis J. Herrera, City Attorney for the City and County of San Francisco, California (the Class Representative for the Class of Elected Attorneys) have denied that the PRA violates Plaintiffs' First Amendment rights.

### 2. Why am I receiving this notice?

On August 27, 2009, the Court ordered that this litigation may proceed as a class action for all purposes. The classes certified by the Court consist of:

- A Plaintiff Class of Major Donors, consisting of all individuals and organizations that have contributed \$10,000 or more to Plaintiffs ProtectMarriage.com or National Organization for Marriage California.
- A Defendant Class of District Attorneys, consisting of all district attorneys in the State of California who are granted the authority to enforce provisions of the PRA.
- A Defendant Class of Elected Attorneys, consisting of all elected city attorneys in the State of California that are granted the authority to enforce provisions of the PRA.

This notice is provided for the purpose of informing you of the pendency of this litigation and the certification of the class of which you may be a member and your right to be excluded from the class if you wish.

### **3. Why is the lawsuit a class action?**

The Court certified this lawsuit as a class action on August 27, 2009, finding that it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- Eleven Over 400 California cities retain the right to elect a city attorney, and 11 currently have an elected city attorney.
- There are legal questions and facts that are common to each of them;
- The claims against Dennis J. Herrera are typical of the claims against the rest of the Class;
- Dennis J. Herrera and the lawyers representing him will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

By establishing the Class and issuing this Notice, the Court is not suggesting that the Class of Elected Attorneys will win or lose this case. Rather, the Court is simply acknowledging that those elected attorneys in the State of California who are granted the authority to enforce provisions of the PRA meet the requirements set forth in Federal Rule of Civil Procedure 23 for certification as a defendant class.

The Plaintiffs will have the opportunity to prove their claims, and the Defendants will have an opportunity to present their defense, at a trial starting on March 14, 2011.

### **4. How will the case be prosecuted?**

This is a class action, which means the Class Representative (Dennis J. Herrera, City Attorney for the City and County of San Francisco, California) will defend the lawsuit on behalf of himself and the Class of Elected Attorneys.

As long as the case isn't resolved by a settlement or otherwise, the Plaintiffs will have to the opportunity to prove their claims at a trial. The Defendants will likewise have the opportunity to present their defense. The trial is set to start on March 14, 2011, in the United States District Court for the Eastern District of California, 501 I Street, Sacramento, California, in Courtroom 7, 14th Floor. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit.

**5. How do I participate in this class?**

Under the Court’s order, you are a member of the certified Class of Elected Attorneys. If you wish to remain in the class you need do nothing at this time. Your rights will be represented by the class representative for the Defendant Class of Elected Attorneys, Dennis J. Herrera, City Attorney for the City and County of San Francisco, California , and his counsel:

Wayne Snodgrass  
Andrew Shen  
Mollie Lee  
Deputy City Attorneys  
Office of the City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Telephone: (415) 554-4700  
Facsimile: (415) 554-4745

If you remain in the class, you will be bound by any judgments entered in the case whether favorable or not favorable.

**5. How do I request exclusion from the class?**

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *ProtectMarriage.com v. Bowen*. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by December 31, 2009 to: ProtectMarriage.com v. Bowen Exclusions, 1 S. Sixth St., Terre Haute, IN 47807-3510.

**6. What if I have further questions?**

Visit the website, <http://www.telladf.org/ProtectMarriageCase>, where you will find the Court’s Order Certifying the Class, the Complaint that the Plaintiffs submitted, the Defendants’ Answer to the Complaint, as well as an Exclusion Request form. You may also speak to one of the lawyers by calling (812) 232-2434, or by writing to: Bopp, Coleson & Bostrom, 1 S. Sixth St., Terre Haute, IN 47807-3510.

Date: October 14, 2009