

1 James Bopp, Jr. (Ind. State Bar No. 2838-84)\*  
 Barry A. Bostrom (Ind. State Bar No.11912-84)\*  
 2 Sarah E. Troupis (Wis. State Bar No. 1061515)\*  
 Scott F. Bieniek (Ill. State Bar No. 6295901)\*  
 3 BOPP, COLESON & BOSTROM  
 1 South Sixth Street  
 4 Terre Haute, IN 47807-3510  
 Telephone: (812) 232-2434  
 5 Facsimile: (812) 235-3685  
 \*Pro Hac Vice Application Pending

6 Timothy D. Chandler (Cal. State Bar No. 234325)  
 7 ALLIANCE DEFENSE FUND  
 101 Parkshore Drive, Suite 100  
 8 Folsom, CA 95630  
 Telephone: (916) 932-2850  
 9 Facsimile: (916) 932-2851

10 Counsel for All Plaintiffs

11 **United States District Court**  
 12 **Eastern District of California**  
 13 **Sacramento Division**

<p>14 <b>ProtectMarriage.com, et al.,</b>          15 <i>Plaintiffs,</i>          16 v.          17 <b>Debra Bowen, et al.,</b>          18 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD   <b>AFFIDAVIT OF MICHELE L. SCHMIDT          IN SUPPORT OF PLAINTIFFS’          OPPOSITION TO STATE DEFENDANTS’          EX PARTE APPLICATION FOR          RECONSIDERATION OF ORDER          SHORTENING TIME ON MOTION FOR          PRELIMINARY INJUNCTION</b>           Honorable Morrison C. England, Jr.</p>
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 28 **Affidavit of Michele L. Schmidt in Support  
 of Plaintiffs’ Opposition to State Defendants’  
 Ex Parte Motion for Reconsideration**

1 I, Michele L. Schmidt, being duly sworn, deposed, and state:

2 1. I am a resident of the state of California, over 18 years of age, and my statements  
3 herein are based on personal knowledge.

4 2. This declaration is made in support of Plaintiffs' Opposition to Defendants' *Ex Parte*  
5 Motion for Reconsideration of Order Shortening Time on Motion for Preliminary Injunction.

6 3. On January 13, 2009, I personally delivered copies of the following documents to First  
7 Legal Support Services for execution of personal service on each defendant in the above-  
8 captioned matter:

- 9 A) Summons in a Civil Case;  
10 B) Civil Cover Sheet;  
11 C) Complaint;  
12 D) Pro Hac Vice Application; ECF Registration and Consent to Electronic  
13 Service; and Proposed Order [Barry A. Bostrom];  
14 E) Pro Hac Vice Application; ECF Registration and Consent to Electronic  
15 Service; and Proposed Order [James Bopp, Jr.];  
16 F) Pro Hac Vice Application; ECF Registration and Consent to Electronic  
17 Service; and Proposed Order [Scott F. Bieniek];  
18 G) Pro Hac Vice Application; ECF Registration and Consent to Electronic  
19 Service; and Proposed Order [Sarah E. Troupis];  
20 H) Order Requiring Joint Status Report; Notice of Availability of a Magistrate  
21 Judge to Exercise Jurisdiction and Appeal Instructions; and Notice of  
22 Availability Voluntary Dispute Resolution;  
23 I) Decline of Jurisdiction of United States Magistrate Judge;  
24 J) First Amended Complaint;  
25 K) Plaintiffs' Notice of Motion and Motion to Expedite; and Proposed order  
26 Granting Plaintiffs' Motion to Expedite;  
27 L) Plaintiffs' Memorandum in Support of Motion to Expedite;  
28 M) Notice of Motion and Motion for Protective Order and Leave to File  
Documents Under Seal; and Proposed Order Granting Plaintiffs' Motion  
for Protective Order and Leave to File Documents Under Seal;

**Affidavit of Michele L. Schmidt in Support  
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*Ex Parte* Motion for Reconsideration**

- 1 N) Plaintiffs' Memorandum in Support of Motion for Protective Order and  
2 Leave to File Documents Under Seal;
- 3 O) Plaintiffs' Ex Parte Motion to Exceed Page Limit; and Proposed Order  
4 Granting Plaintiffs' Ex Parte Motion to Exceed Page Limit;
- 5 P) Plaintiffs' Notice of Motion and Motion for Preliminary Injunction; and  
6 Proposed Order Granting Plaintiffs' Motion for Preliminary Injunction;
- 7 Q) Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction;
- 8 R) Ex Parte Motion to Shorten Time for hearing on Motion for Preliminary  
9 Injunction, Motion to Expedite, and Motion for Protective Order and Time  
10 to File Opposition and Replies to the Same; Affidavit of Sarah E. Troupis  
11 in Support of Ex Parte Motion to Shorten Time for hearing on Motion for  
12 Preliminary Injunction, Motion to Expedite, and Motion for Protective  
13 Order and Time to File Opposition and Replies to the Same; and Proposed  
14 Order Granting Plaintiffs' Ex Parte Motion to Shorten Time for hearing on  
15 Motion for Preliminary Injunction, Motion to Expedite, and Motion for  
16 Protective Order and Time to File Opposition and Replies to the Same;
- 17 S) Declaration of Sarah E. Troupis in Support of Plaintiffs' Motion for  
18 Preliminary Injunction;
- 19 T) Order Granting Plaintiffs' Ex Parte Motion to Shorten Time;
- 20 U) Order [granting plaintiffs' request to extend the page limitations]; and
- 21 V) Order [denying plaintiffs' motion to expedite].

22 4. I requested expedited service, and I expect First Legal Support Services to begin  
23 attempting service on the defendants tomorrow, January 14, 2009.

24 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
25 AND CORRECT.

26 Executed this 13th day of January, 2009, in Folsom, California.

27   
28 Michele L. Schmidt  
Michele L. Schmidt

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of Plaintiffs' Opposition to State Defendants'  
Ex Parte Motion for Reconsideration

1 **PROOF OF SERVICE**

2 I, Timothy D. Chandler, am over the age of 18 and not a party to the within action. My  
3 business address is 101 Parkshore Drive, Suite 100, Folsom, California 95630.

4 On January 13, 2009, I electronically filed the foregoing document described as Affidavit  
5 of Michele L. Schmidt in Support of Plaintiffs' Opposition to State Defendants' *Ex Parte*  
6 Applicaiton for Reconsideration of Order Shortening Time on Motion for Preliminary Injunction,  
7 which will be served on all Defendants along with the Summons and Amended Complaint.

8 I declare under the penalty of perjury under the laws of the State of California that the  
9 above is true and correct. Executed on January 13, 2009 at Folsom, California.

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11 /s/ Timothy D. Chandler  
12 Timothy D. Chandler (SBN 234325)  
13 Attorney for Plaintiffs  
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