

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA



PRO HAC VICE APPLICATION,
ECF REGISTRATION AND CONSENT
TO ELECTRONIC SERVICE,
PROPOSED ORDER

ProtectMarriage.com, et al.,

Plaintiff(s),

Case No.

v.

Debra Brown, et al.,

Defendant(s).

I, Scott F. Bieniek,

attorney for Plaintiffs Protect Marriage.com – Yes on 8, a Project of California Renewal and National Organization for Marriage California – Yes on 8, Sponsored by National Organization for Marriage,

hereby petition for admission to practice Pro Hac Vice under the provision of Local Rule 83-180(b)(2). I understand and consent to ECF Registration and Electronic Service as detailed below and I have submitted payment in the amount of \$180.00 to the Clerk, U.S. District Court. In support of this petition, I state under penalty of perjury that:

My business address is:

Firm Name: Bopp Coleson & Bostrom _____

Address: 1 S. Sixth Street _____

City: Terre Haute _____

State: Indiana _____ ZIP Code: 47807 _____

Voice Phone: (812) 232-2434 _____

FAX Phone: (812) 235-3685 _____

Internet E-mail: sbieniek@bopplaw.com _____

Additional E-mail: _____

I reside in City: Terre Haute _____ State: Indiana _____

I was admitted to practice in the Supreme Court of Illinois (court) on November 6, 2008 (date). I am presently in good standing and eligible to practice in said court. I am not currently suspended or disbarred in any other court.

I have / have not concurrently or within the year preceding this application made a pro hac vice application to this court. (If you have made a pro hac vice application to this court within the last year, list the name and case number of each matter in which an application was made, the date of application and whether granted or denied.)

I hereby designate the following member of the Bar of this Court who is registered for ECF with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom electronic notice shall also be served via the court's ECF system:

Name: Timothy D. Chandler
Firm Name: Alliance Defense Fund
Address: 101 Parkshore Drive, Suite 100

City: Folsom
State: CA ZIP Code: 95630
Voice Phone: (916) 932-2850
FAX Phone: (916) 932-2851
E-mail: tchandler@telladf.org

Dated: 1-7-2009 Petitioner: *Scott F. Biemel*

ORDER

IT IS SO ORDERED.

Dated: _____

JUDGE, U.S. DISTRICT COURT

ECF REGISTRATION AND CONSENT TO ELECTRONIC SERVICE

Beginning January 3, 2005, all cases filed and pending in the Eastern District of California are subject to electronic filing, service (ECF) and electronic case storage procedures (CM). This form shall be used to register for accounts on the Court's Electronic Case File (ECF) system which permits electronic filing.

By submitting this Petition to Appear Pro Hac Vice and ECF Registration Form, I understand:

1. Registration herein is for ECF use only in cases proceeding in the U.S. District Court for the Eastern District of California.
2. Each attorney who wishes to appear in the Eastern District pro hac vice must complete and sign an Attorney Registration Form. An attorney's password issued by the court combined with the attorney's identification (login), serves as and constitutes the attorney signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney/participant to immediately notify the court. The court will immediately delete the password from the electronic filing system and issue a new password.
3. Unless an attorney expressly declines to consent (see below) registration as a Filing User constitutes: (1) consent to receive service electronically and waiver of the right to receive service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D). **Note: Service of Summons and Complaint pursuant to Federal Rule of Civil Procedure 4 are not encompassed by electronic service.** Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Service by electronic means is complete upon transmission of the Notice of Electronic Filing.
4. A user accesses court information via the court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. **PACER involves a separate, free registration.** Although the court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required, in addition to, the password issued by the court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER website (<http://pacer.psc.uscourts.gov>).
5. By this registration, I understand that the specific procedures which control electronic filing can be found in the Local Rules and CM/ECF User's Manual, all of which can be accessed on the Court's website. Please periodically access these Rules and Manual in order to understand electronic filing requirements, and any changes which may be later implemented. Serious and/or sustained failure to abide by those procedures may result in a termination of electronic filing privileges which are a prerequisite to practice in the Eastern District.

Notice Regarding Non-Consent to Electronic Service. An attorney may expressly forego consenting to service and receipt of filed documents by electronic service pursuant to Federal Rule of Civil Procedure 5(b)(2)(D). This decision not to consent must be by separate document in writing addressed to the Office of the Clerk. Parties not consenting to electronic service must serve by the other methods specified in Rule 5.

The court strongly urges that all attorneys consent to serve and receive service of filed documents by means of electronic service. There is no significant downside to such consent and universal participation in electronic service will benefit all concerned. **Failure to consent to electronic service does not relieve attorneys of the obligation to file documents electronically when required to do so or otherwise abide by CM/ECF procedures.**