

James Bopp, Jr. (Ind. State Bar No. 2838-84)
 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
 1 South Sixth Street
 Terre Haute, IN 47807-3510
 Telephone: (812) 232-2434
 Facsimile: (812) 235-3685
 Counsel for All Plaintiffs

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
 Counsel for All Plaintiffs

* *Designated Counsel for Service*

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

ProtectMarriage.com, et al.,

Plaintiffs,

v.

Debra Bowen, et al.,

Defendants.

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

**STIPULATION TO AMEND
 COMPLAINT; [PROPOSED] ORDER
 REGARDING THE SAME**

Judge Morrison C. England, Jr.

**Stipulation to Amend Complaint;
 [Proposed] Order Regarding the Same**

1 Plaintiffs ProtectMarriage.com - Yes on 8, a Project of California Renewal
2 (“ProtectMarriage.com”) and National Organization for Marriage California - Yes on 8,
3 Sponsored by National Organization for Marriage (“NOM-California”), pursuant to Fed. R. Civ.
4 P. 15(a)(2) submit the following stipulation for the Court’s approval.

5 Plaintiffs filed their complaint in this matter on Wednesday, January 7, 2009.

6 On Friday, January 9, 2009, pursuant to Fed. R. Civ. P. 15(a), Plaintiffs filed their First
7 Amended Complaint, adding Plaintiff John Doe #1, an individual, and as a representative of the
8 Class of Major Donors.

9 Plaintiffs, after conferring with Defendant Eileen Teichert, have determined that she is
10 not a proper Defendant in this action because she lacks enforcement authority under the Political
11 Reform Act of 1974 (the “Act”), Cal. Gov’t Code § 81000 *et seq.*, because she is not an “elected
12 city attorney.” CGC § 91001.5 (granting enforcement authority to elected city attorneys).
13 Therefore, her inclusion constitutes misjoinder.

14 Proposed Defendant Dennis J. Herrera, the city attorney for the City and County of San
15 Francisco, California, is an elected city attorney and therefore does, or would have if authorized
16 by the Charter for the City and County of San Francisco, the authority to enforce provisions of
17 the Act pursuant to CGC § 91001.5.¹

18 Therefore, Plaintiffs ProtectMarriage.com, NOM-California, and the Class of Major
19 Donors have determined that the First Amended Complaint should be amended.

20 Defendants have consented to Plaintiffs amending their First Amended Complaint.
21 Defendants stipulate to the filing of the Second Amended Complaint attached as Exhibit A.²

22
23 ¹ Proposed Defendant Herrera specifically reserves the right to challenge his appointment
24 as the representative of the Class of Elected City Attorneys if Plaintiffs make a motion under
25 Fed. R. Civ. P. 23(c)(1) to certify the Class of Elected City Attorneys.

26 ² Proposed Defendant Herrera, as the City Attorney for the City and County of San
27 Francisco, has been involved in these proceedings as counsel for the Department of Elections for
28 the City and County of San Francisco; adding him as a Defendant to this suit at this stage of the
litigation will not prejudice his preparation for the hearing on Plaintiffs’ Motion for Preliminary
Stipulation to Amend Complaint;
[Proposed] Order Regarding the Same 2

1 **So Ordered:**

2 Date: January ____, 2009

3 _____
The Hon. Morrison C. England, Jr.
United States District Judge

5 **So Stipulated:**

6 Date: January 20, 2009

7 /s/ Timothy D. Chandler

8 Timothy D. Chandler (Cal. State Bar No. 234325)
9 ALLIANCE DEFENSE FUND 101 Parkshore Drive, Suite
10 100
11 Folsom, CA 95630
12 Telephone: (916) 932-2850
13 Facsimile: (916) 932-2851
14 Counsel for All Plaintiffs

13 Date: January 15, 2009

14 _____
15 Zackery P. Morazzini, State Bar No. 204237
16 Attorney for Defendant Edmund G. Brown Jr.
17 California Attorney General

17 Date: January 15, 2009

18 _____
19 Zackery P. Morazzini, State Bar No. 204237
20 Attorney for Defendant Debra Bowen
21 California Secretary of State

21 Date: January 15, 2009

22 _____
23 Judy Whitehurst
24 Attorney for Defendant Dean C. Logan
25 Los Angeles County Registrar-Recorder

26 _____
27 Injunction.
28 **Stipulation to Amend Complaint;**
[Proposed] Order Regarding the Same

1 Date: January 15, 2009

2 Wayne Snodgrass
3 Attorney for Defendant Department of Elections -
4 City and County of San Francisco

5 Date: January 15, 2009

6 Albert Locher
7 Attorney for Defendant Jan Scully
8 Sacramento County District Attorney

9 Date: January 15, 2009

10 Brett Witter
11 Attorney for Defendant Eileen Teichert
12 City Attorney for the City of Sacramento

13 Date: January 15, 2009

14 Heather M. Rowan, State Bar No. 232415
15 Attorney for Defendant Members of the Fair Political
16 Practices Commission
17 428 J Street, Suite 800
18 Sacramento, CA 95814
19 Telephone: (916) 322-5660
20 Fax: (916) 327-2026

21
22
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27 **Stipulation to Amend Complaint;**
28 **[Proposed] Order Regarding the Same**

1 **So Ordered:**

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3 Date: January ____, 2009

The Hon. Morrison C. England, Jr.
United States District Judge

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5 **So Stipulated:**

6 Date: January 15, 2009

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10 Counsel for All Plaintiffs

11
12
13 Date: January 15, 2009



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Attorney for Defendant Edmund G. Brown Jr.
California Attorney General

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16
17 Date: January 15, 2009



Zackery P. Morazzini, State Bar No. 204237
Attorney for Defendant Debra Bowen
California Secretary of State

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20
21 Date: January 15, 2009

Judy Whitehurst
Attorney for Defendant Dean C. Logan
Los Angeles County Registrar-Recorder

22
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27 **Stipulation to Amend Complaint**
28 **[Proposed] Order Regarding the Same**

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2 Date: January ____, 2009

3 The Hon. Morrison C. England, Jr.
4 United States District Judge

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6 Date: January 15, 2009

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16 Attorney for Defendant Edmund G. Brown Jr.
17 California Attorney General

18 Date: January 15, 2009

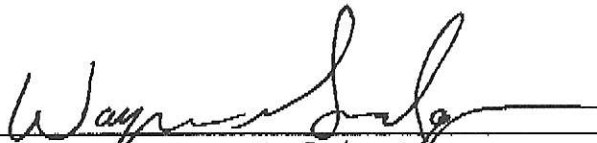
19 Zackery P. Morazzini, State Bar No. 204237
20 Attorney for Defendant Debra Bowen
21 California Secretary of State

22 Date: January 15, 2009

23 
24 Judy Whitehurst
25 Attorney for Defendant Dean C. Logan
26 Los Angeles County Registrar-Recorder

27 Stipulation to Amend Complaint
28 [Proposed] Order Regarding the Same

16
1 Date: January 16, 2009


Wayne Spodgrass CSB #148137
Attorney for Defendant Department of Elections -
City and County of San Francisco

5 Date: January 15, 2009

Albert Locher
Attorney for Defendant Jan Scully
Sacramento County District Attorney

9 Date: January 15, 2009

Brett Witter
Attorney for Defendant Eileen Teichert
City Attorney for the City of Sacramento

13 Date: January 15, 2009

Heather M. Rowan, State Bar No. 232415
Attorney for Defendant Members of the Fair Political
Practices Commission
428 J Street, Suite 800
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Fax: (916) 327-2026


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4

1 Date: January 15, 2009

Jonathan Givner
Attorney for Defendant Department of Elections -
City and County of San Francisco

4
5 Date: January 16, 2009



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Sacramento County District Attorney

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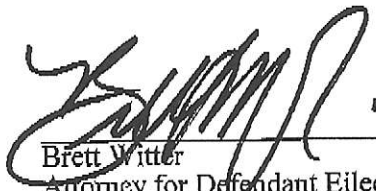
1 Date: January 15, 2009

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Attorney for Defendant Department of Elections -
City and County of San Francisco

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Attorney for Defendant Jan Scully
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9 Date: January 15, 2009



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Attorney for Defendant Eileen Teichert
City Attorney for the City of Sacramento

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27 **Stipulation to Amend Complaint**
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1 **CERTIFICATE OF SERVICE**

2 I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My
3 business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

4 On January 20, 2009, I electronically filed the foregoing document described as
5 Stipulation to Amend Complaint; [Proposed] Order Regarding the Same, with the Clerk of Court
6 using the CM/ECF system which will send notification of such filing to:

7 Zackary Paul Morazzini
8 Zackary.Morazzini @doj.ca.gov
9 *Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.*

10 And, pursuant to Rule 5-135(f), on January 20, 2009, I served the foregoing document
11 described as Stipulation to Amend Complaint; [Proposed] Order Regarding the Same by placing
12 true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid,
13 in the United States mail at Terre Haute, Indiana, addressed to the following non-CM/ECF
14 participants:

15 Dean C. Logan
16 Office of the Registrar-Recorder
17 12400 Imperial Highway
18 Norwalk, California 90650

19 Department of Elections, City and County of San Francisco
20 c/o Office of the Mayor Gavin Newsom
21 1 Dr. Carlton B. Goodlett Place
22 San Francisco, California 94102

23 Jan Scully
24 Office of the District Attorney
25 901 G Street
26 Sacramento, California 95814

27 Eileen Teichert
28 Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
Sacramento, California 95814

Ross Johnson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

27 **Stipulation to Amend Complaint;**
28 **[Proposed] Order Regarding the Same** 5

1 Timothy Hodson
2 California Fair Political Practices Commission
3 428 J. Street, Suite 620
4 Sacramento, California 95814

5 Eugene Huguenin, Jr.
6 California Fair Political Practices Commission
7 428 J. Street, Suite 620
8 Sacramento, California 95814

9 Robert Leidigh
10 California Fair Political Practices Commission
11 428 J. Street, Suite 620
12 Sacramento, California 95814

13 and

14 Ray Remy
15 California Fair Political Practices Commission
16 428 J. Street, Suite 620
17 Sacramento, California 95814

18 *Defendants*

19 I declare under the penalty of perjury under the laws of the State of Indiana that the above is true
20 and correct. Executed on January 20, 2009.

21 /s/ Scott F. Bieniek
22 Scott F. Bieniek (Ill. State Bar No. 6295901)
23 Counsel for All Plaintiffs