

1 James Bopp, Jr. (Ind. State Bar No. 2838-84)\*  
 Richard E. Coleson (Ind. State Bar No. 11527-70)\*  
 2 Barry A. Bostrom (Ind. State Bar No.11912-84)\*  
 Sarah E. Troupis (Wis. State Bar No. 1061515)\*  
 3 Scott F. Bieniek (Ill. State Bar No. 6295901)\*  
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 4 1 South Sixth Street  
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 6 Counsel for All Plaintiffs

7 Benjamin W. Bull (AZ Bar No. 009940)\*  
 ALLIANCE DEFENSE FUND  
 8 15100 North 90th Street  
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 Facsimile: (480) 444-0028  
 10 Counsel for All Plaintiffs

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

15 \* *Admitted Pro Hac Vice*  
 \*\* *Designated Counsel for Service*

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

<p>19 <b>ProtectMarriage.com, et al.,</b></p> <p>20</p> <p>21 <i>Plaintiffs,</i></p> <p>22 <b>v.</b></p> <p>23 <b>Debra Bowen, et al.,</b></p> <p>24 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD</p> <p><b>STIPULATION TO AMEND          COMPLAINT; [PROPOSED] ORDER          REGARDING THE SAME</b></p> <p>Judge Morrison C. England, Jr.</p>
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1 Plaintiffs ProtectMarriage.com - Yes on 8, a Project of California Renewal  
2 (“**ProtectMarriage.com**”), National Organization for Marriage California - Yes on 8, Sponsored  
3 by National Organization for Marriage (“**NOM-California**”), and John Doe #1, on behalf of the  
4 proposed Class of Major Donors, pursuant to Fed. R. Civ. P. 15(a)(2) submit the following  
5 stipulation to amend complaint for the Court’s approval.

6 Plaintiffs filed their original complaint in this mater on January 7, 2009. On January 9,  
7 2009, pursuant to Fed. R. Civ. P. 15(a), Plaintiffs filed their First Amended Complaint, adding  
8 Plaintiff John Doe #1, an individual, and as a representative of the proposed Class of Major  
9 Donors. On January 22, 2009, pursuant to Fed. R. Civ. P. 15(a)(2), the Court granted Plaintiffs’  
10 request to file a Second Amended Complaint, replacing Defendant Eileen Teichert with  
11 Defendant Dennis J. Herrera.

12 Plaintiffs filed a Rule 20 Motion to Add Plaintiff National Organization for Marriage  
13 California PAC (“**NOM-California PAC**”) concurrently with this stipulation. NOM-California  
14 PAC formed on February 6, 2009, as a “general purpose committee.” Cal. Gov’t Code §  
15 82027.5. As set forth in Plaintiffs’ Rule 20 Motion to Add Plaintiff National Organization for  
16 Marriage California PAC, there are common questions of law and fact making joinder of NOM-  
17 California PAC appropriate in this action. If the Court grants Plaintiffs’ Rule 20 Motion to Add  
18 Plaintiff National Organization for Marriage California PAC, the Second Amended Complaint  
19 should be amended to reflect this change.

20 As set forth below, Defendants have consented to the filing of Plaintiffs Third Amended  
21 Complaint, attached hereto as Exhibit A.

1 **So Ordered:**

2 Date: May \_\_\_\_, 2009

3 \_\_\_\_\_  
The Honorable Morrison C. England, Jr.  
United States District Judge

4  
5 **So Stipulated:**

6  
7 Date: May \_\_\_\_, 2009

8 \_\_\_\_\_  
Scott F. Bieniek  
*Attorney for All Plaintiffs*

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10  
11 Date: May \_\_\_\_, 2009

12 \_\_\_\_\_  
Zackery P. Morazzini  
*Attorney for Defendants Debra Bowen and Edmund G.  
Brown, Jr.*

13  
14  
15 Date: May \_\_\_\_, 2009

16 \_\_\_\_\_  
Judy W. Whitehurst  
*Attorney for Defendant Dean C. Logan*

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19 Date: May \_\_\_\_, 2009

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Terence J. Cassidy  
*Attorney for Defendant Jan Scully*

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Date: May \_\_\_\_, 2009

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Mollie M. Lee  
*Attorney for Defendants Dennis J. Herrera and  
Department of Elections - City and County of San  
Francisco*

Date: May \_\_\_\_, 2009

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Lawrence T. Woodlock  
*Attorney for Defendant Members of the Fair Political  
Practices Commission*

1 **So Ordered:**

2  
3 Date: May \_\_\_\_, 2009

\_\_\_\_\_  
The Honorable Morrison C. England, Jr.  
United States District Judge

5 **So Stipulated:**

6  
7 Date: May 14, 2009

\_\_\_\_\_  
*Scott F. Bieniek*  
Scott F. Bieniek  
*Attorney for All Plaintiffs*

11 Date: May \_\_\_\_, 2009

\_\_\_\_\_  
Zackery P. Morazzini  
*Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

15 Date: May \_\_\_\_, 2009

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Judy W. Whitehurst  
*Attorney for Defendant Dean C. Logan*

19 Date: May \_\_\_\_, 2009

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Terence J. Cassidy  
*Attorney for Defendant Jan Scully*

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United States District Judge

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7 Date: May \_\_\_\_, 2009

8 \_\_\_\_\_  
Scott F. Bieniek  
*Attorney for All Plaintiffs*

11 Date: May 14, 2009

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11 \_\_\_\_\_  
Zackery P. Morazzini  
*Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

15 Date: May \_\_\_\_, 2009

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Judy W. Whitehurst  
*Attorney for Defendant Dean C. Logan*

19 Date: May \_\_\_\_, 2009

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Terence J. Cassidy  
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**So Ordered:**

Date: May \_\_\_\_, 2009

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

**So Stipulated:**

Date: May \_\_\_\_, 2009

\_\_\_\_\_  
Scott F. Bieniek  
*Attorney for All Plaintiffs*

Date: May \_\_\_\_, 2009

\_\_\_\_\_  
Zackary P. Morazzini  
*Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.*

Date: May 12, 2009

  
\_\_\_\_\_  
Judy W. Whitehurst  
*Attorney for Defendant Dean C. Logan*

Date: May \_\_\_\_, 2009

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Terence J. Cassidy  
*Attorney for Defendant Jan Scully*

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3 Date: May \_\_\_\_, 2009

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

5 **So Stipulated:**

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7 Date: May \_\_\_\_, 2009

\_\_\_\_\_  
Scott F. Bieniek  
*Attorney for All Plaintiffs*

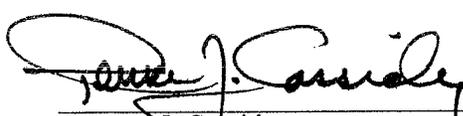
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11 Date: May \_\_\_\_, 2009

\_\_\_\_\_  
Zackery P. Morazzini  
*Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

14  
15 Date: May \_\_\_\_, 2009

\_\_\_\_\_  
Judy W. Whitehurst  
*Attorney for Defendant Dean C. Logan*

18  
19 Date: May 19, 2009

  
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Terence J. Cassidy  
*Attorney for Defendant Jan Scully*

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Date: May 14, 2009



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Mollie M. Lee  
*Attorney for Defendants Dennis J. Herrera and  
Department of Elections - City and County of San  
Francisco*

Date: May \_\_\_\_, 2009

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Lawrence T. Woodlock  
*Attorney for Defendant Members of the Fair Political  
Practices Commission*

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Date: May \_\_, 2009

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Mollie M. Lee  
*Attorney for Defendants Dennis J. Herrera and  
Department of Elections - City and County of San  
Francisco*

Date: May 19, 2009

\_\_\_\_\_  
*Lawrence T. Woodlock*  
Lawrence T. Woodlock  
*Attorney for Defendant Members of the Fair Political  
Practices Commission*

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

7  
8 Zackery P. Morazzini  
9 zackery.morazzini@doj.ca.gov  
10 *Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

11  
12 Judy W. Whitehurst  
13 jwhitehurst@counsel.lacounty.gov  
14 *Attorney for Defendant Dean C. Logan*

15  
16 Terence J. Cassidy  
17 tcassidy@porterscott.com  
18 *Attorney for Defendant Jan Scully*

19  
20 Mollie M. Lee  
21 mollie.lee@sfgov.org  
22 *Attorney for Defendants Dennis J. Herrera and*  
23 *Department of Elections - City and Count of San Francisco*

24  
25 Lawrence T. Woodlock  
26 lwoodlock@fppc.ca.gov  
27 *Attorney for Defendant Members of the Fair Political Practices Commission*

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

29 /s/ Scott F. Bieniek  
30 Scott F. Bieniek (Ill. State Bar No. 6295901)  
31 Counsel for All Plaintiffs