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

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

<p>19 PROTECTMARRIAGE.COM, et al., 20 21 Plaintiffs, 22 vs. 23 DEBRA BOWEN, et al., 24 Defendants.</p>	<p>Case No. 2:09-CV-00058-MCE-DAD PLAINTIFFS' EX PARTE MOTION TO ADD PLAINTIFF NATIONAL ORGANIZATION FOR MARRIAGE CALIFORNIA PAC 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—Yes on 8, Sponsored by
3 National Organization for Marriage (“**NOM-California**”), and John Doe #1, an individual, and
4 as a representative of the proposed Class of Major Donors (“**Major Donors**”) hereby apply to
5 the Court, ex parte, pursuant to Fed. R. Civ. P. 20 for leave to join NOM-California PAC as a
6 Plaintiff in this lawsuit, and in support thereof state as follows:

- 7 1. Pursuant to Fed. R. Civ. P. 20(a)(1), “Persons may join in one action as plaintiffs if: (A)
8 they assert any right to relief jointly, severally, or in the alternative with respect to or
9 arising out of the same transaction, occurrence, or series of transactions or occurrences;
10 and (B) any question of law or fact common to all plaintiffs will arise in the action.”
- 11 2. Proposed Plaintiff NOM-California PAC was formed on February 6, 2009.
- 12 3. NOM-California PAC has its principle place of business in Santa Ana, California.
- 13 4. NOM-California PAC is a general purpose committee pursuant to Cal. Gov’t Code §§
14 82013 and 82027.5.
- 15 5. As a general purpose committee, NOM-California PAC intends to support and/or
16 oppose candidates and/or ballot measures in future elections and is subject to
17 registration and reporting requirements under the Political Reform Act of 1974, Cal.
18 Gov’t Code § 81000 *et seq.*
- 19 6. Specifically, NOM-California PAC intends to support candidates that share its view of
20 marriage as between one man and one woman. NOM-California PAC also intends to
21 support any ballot measure similar to Proposition 8 and oppose any measure that would
22 overturn Proposition 8.
- 23 7. The constitutionality of the statutes challenged in this action will have a direct bearing
24 on the activities of NOM-California PAC, making joinder appropriate in this case.
- 25 8. Furthermore, there are common questions of law and fact, namely, whether Plaintiffs
26 are entitled to an as-applied exemption from the Political Reform Act of 1974, Cal.
27 Gov’t Code § 81000 *et seq.*, and whether portions of the Political Reform Act are
28

1 unconstitutional because they violate the First Amendment to the United States
2 Constitution, as incorporated to the states by the Fourteenth Amendment.

3 9. Defendants would not be prejudiced by this change because the claims asserted in the
4 Complaint would not change as a result of the joinder of NOM-California PAC.

5 10. Plaintiffs have filed a Stipulation to Amend Complaint concurrently with this motion,
6 signed by all parties, consenting to the filing of Plaintiffs' Third Amended Complaint,
7 which reflects the joinder of proposed Plaintiff NOM-California PAC.

8 WHEREFORE, Plaintiffs, pursuant to Fed. R. Civ. P. 20(a)(1), respectfully request leave to
9 join Proposed Plaintiff NOM-California PAC.

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11 Dated this 20th day of May, 2009.

12 Respectfully submitted,

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15 Benjamin W. Bull (Ariz. State Bar No. 009940)
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19 Counsel for All Plaintiffs

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Counsel for All Plaintiffs

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 Plaintiffs'
5 Request to Exceed Page Limit, with the Clerk of Court using the CM/ECF system which will
6 send notification of such filing to:

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15 Department of Elections - City and Count of San Francisco*

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Attorney for Defendant Members of the Fair Political Practices Commission

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

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