

Case No. S164520  
 IN THE  
 Supreme Court of the State of California

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Brian Bennett, Xavier Barrerra, Audrey Koh, and Equality California

Petitioners,

v.

Debra Bowen, in her official capacity as Secretary of State,

Respondent;

Initiative Proponents Dennis Hollingsworth, Gail J. Knight, Martin F.  
 Gutierrez, Hak-Shing William Tam, and Mark A. Jansson,

Real Parties in Interest.

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**OPPOSITION OF REAL PARTIES IN INTEREST TO MOTION  
 BY CAMPAIGN FOR CALIFORNIA FAMILIES, RANDY  
 THOMASSON, AND LARRY BOWLER TO INTERVENE AS REAL  
 PARTIES IN INTEREST; DECLARATION OF ANDREW P. PUGNO**

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*Attorneys for Real Parties in Interest*

**TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:**

Real Parties in Interest, as the Official Proponents of the California Marriage Protection Act/Proposition 8, hereby oppose the *Motion By Campaign For California Families, Randy Thomasson, And Larry Bowler To Intervene As Real Parties In Interest*, filed in this original writ proceeding on June 30, 2008.

**OPPOSITION TO MOTION TO INTERVENE**

Real Parties in Interest are compelled to file this opposition, because “failure to oppose a motion may be deemed a consent to the granting of the motion.” (Rule of Court 8.54(c).) Real Parties do not consent, for the following two reasons:

First, the Proposed Intervenors have no judicially cognizable interest in this writ proceeding. They seek to intervene as “long-time proponents of a marriage amendment.” (Motion p. 1.) However, they are not the proponents of this initiative, the California Marriage Protection Act (Proposition 8), and thus were not named as Real Parties. They also seek leave to intervene as “voters whose reserved powers under the California Constitution are directly threatened...”. (*Ibid.*) But, as this Court recently explained, the Proposed Intervenors have no direct legal interest because they are “in a position no different from that of any other member of the public having a strong ideological or philosophical disagreement with a legal position...” (*In Re Marriage Cases*, Slip Opn. at 21.)

Second, Real Parties in Interest are troubled by the claim that the California Marriage Protection Act/Proposition 8 “is the culmination of

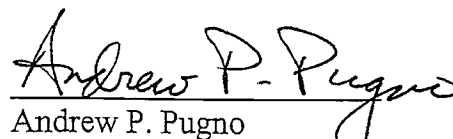
years of effort by... Proposed Intervenors...” (Motion p. 2.) To the contrary, unable to attract public support for their own proposed measure, Proposed Intervenors have actively campaigned *against* Real Parties’ efforts to qualify the California Marriage Protection Act for the ballot for several years. (See Pugno Decl., *infra*, at Exhibit 1 (“A Must-Read Message...” authored by Proposed Intervenors Larry Bowler and Randy Thomasson, 8/10/2005), at page 3 [“this hastily – and poorly drafted initiative”]; page 4 [“...citizens who want to protect everything about marriage **CANNOT in good conscience sign the petition** for the ‘California Marriage Protection Act’...” (bold in original)]; page 4 [“‘California Marriage Protection Act’ is severely lacking...”]; page 5 [“... they have NOT produced a sound constitutional marriage amendment”]; page 7 [referring to “the disastrous legal effects of the ‘California Marriage Protection Act’”].) Only now that the Act has qualified for the ballot as Proposition 8 do Proposed Intervenors support it. (Motion p. 3.) Against this backdrop, there is significant concern that the presence of Proposed Intervenors in this action will substantially interfere with Real Parties’ ability to effectively defend Proposition 8 as its Official Proponents. (*San Bernardino County v. Harsh Cal. Corp.* (1959) 52 Cal.2d 341, 346.)

For the foregoing reasons, this Court should deny intervention.

Dated: July 10, 2008

Respectfully submitted,

LAW OFFICES OF ANDREW P. PUGNO  
ANDREW P. PUGNO



Andrew P. Pugno  
*Attorneys for the Real Parties in Interest*

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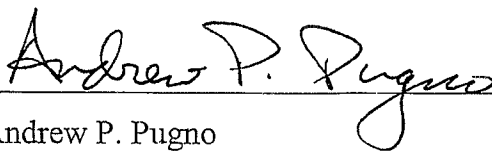
**DECLARATION OF ANDREW P. PUGNO**

I, Andrew P. Pugno, declare:

1. I am the lead attorney for the Real Parties in Interest in this action. I make this declaration in support of the above *Opposition Of Real Parties In Interest To Motion By Campaign For California Families, Randy Thomasson, And Larry Bowler To Intervene As Real Parties In Interest*. I have personal knowledge of the facts contained in this declaration, and if called to testify as a witness, I could and would so competently.

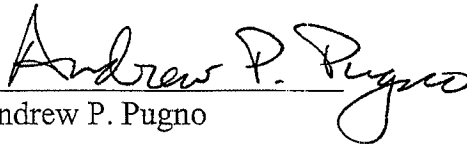
2. On August 11, 2008, at 10:42 pm, I made an electronic copy of a document appearing on Proposed Intervenors' website VoteYesMarriage.com, entitled "A Must-Read Message from the Official Proponents of the VoteYesMarriage.com Coalition." The document is authored by Proposed Intervenors Larry Bowler and Randy Thomasson. A true and correct printed copy of that document as it appeared on Proposed Intervenors' website is attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 10, 2008, at Folsom, California.

  
Andrew P. Pugno

**RULE 8.204(C)(1) CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 8.204(c)(1) of the California Rules of Court, counsel for the Real Parties in Interest hereby certifies that this *Opposition Of Real Parties In Interest To Motion By Campaign For California Families, Randy Thomasson, And Larry Bowler To Intervene As Real Parties In Interest; Declaration of Andrew P. Pugno* is proportionately spaced, has a typeface of 13 points or more, and contains 668 words, including footnotes but excluding the Table of Contents, Table of Authorities and Certificate of Compliance, as calculated by using the word count feature in Microsoft Word.

  
Andrew P. Pugno

*Attorney for the Real Parties in Interest*



**VoteYesMarriage.com**  
**California Marriage Amendment**  
 The Voters' Right to Protect Marriage Initiative

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**A Must-Read Message from the Official Proponents  
 of the VoteYesMarriage.com Coalition**

August 10, 2005

As you may know, there are three proposed California constitutional marriage amendments. Consequently, there is a need to cut through the confusion, and to address incorrect information that is being circulated by email, on web sites, and even by letters you may have received in the mail.

There are many familiar and well-intentioned organizations and individuals associated with all of the proposed amendments. You may have deep trust of certain pro-family leaders and organizations, and think that you would never question their commitment to pro-family policy.

But you should question, because every human being is fallible. That includes every pro-family organization and pro-family leader, including us.

No matter who you know or trust, the mission for every California pro-family citizen should be to support a marriage amendment that will truly and fully protect marriage for one man and one woman. This means a marriage amendment that is legally sound and will do what it proposes to do. The future of marriage and the next generation depends on accurate work and principled leadership.

We know this is a lengthy message, but the facts need to be known. Please be clear, this is not a matter of "us" versus "them." This important message for pro-family Californians is about truth and developing a truth standard. It's about assuring that a constitutional marriage amendment is legally effective, and that it will protect everything about marriage for one man and one woman in California. We should expect no less.

Thank you for taking a few minutes out of your busy schedule to read this message.

Sincerely,

**Assemblyman Larry Bowler**  
 Ed Hernandez, concerned parent  
 Randy Thomasson, President of Campaign for Children and Families  
 Official Proponents, VoteYesMarriage.com Marriage Protection Coalition



"And you shall know the truth, and the truth shall set you free."  
 -- Jesus Christ



"There is but one straight course, and that is to seek truth and pursue it steadily."  
 -- George Washington

"There is nothing so powerful as truth, and often nothing so strange."  
 -- Daniel Webster



"Truth is incontrovertible; malice may attack it and ignorance may deride it, but, in the end, there it is."  
 – Winston Churchill



"If you look for truth, you may find comfort in the end; if you look for comfort you will not get either comfort or truth only soft soap and wishful thinking to begin, and in the end, despair."  
 – C.S. Lewis

**In This Important Message:**

- Compare the California marriage amendments
- Strong support for VoteYesMarriage.com
- The truth about the flawed "Protect Marriage Amendment"
- The problem is what ProtectMarriage.com's amendment won't do
- A true-blue California marriage amendment you can support
- Read the VoteYesMarriage.com amendment
- Get involved now
- An important P.S. about a letter you may have received in the mail

Dear California pro-family citizen,

Do you support awarding the rights of marriage to unmarried persons?

Do you approve of "counterfeit marriages" or homosexual "marriage by another name"?

Are you OK with same-sex "domestic partners" being awarded all the rights of marriage?

If your answer is NO, NO and NO WAY -- then you need to take a moment to read this important, eye-opening message.

As you know, a **strong and legally-precise California constitutional marriage amendment is the only thing that will protect marriage rights from the clutches of politicians and judges.**

**Compare the California Marriage Amendments**

Currently, there are three proposed amendments that have been filed: one by VoteYesMarriage.com called the **Voters' Right to Protect Marriage Initiative (our amendment)**; and two others by ProtectMarriage.com called the **California Marriage Protection Act #1 and #2**. The ProtectMarriage.com group is currently only circulating petitions for "California Marriage Protection Act #1." The VoteYesMarriage.com coalition is promoting the Voters' Right to Protect Marriage Initiative with plans to circulate petitions beginning in late August.

But which one will truly protect everything about marriage? Which one can YOU support?

**In the end -- and this is so important -- all that matters in a constitutional marriage amendment is its LEGAL EFFECT -- what it will accomplish once the courts are done with it.** This chart clearly shows the bottom-line difference between the three proposed amendments based on a legal analysis of each measure. (A detailed analysis is further down in this message.)

**Summary of the Legal Effects of the three proposed California Marriage Amendments**

	<i>Voters' Right To Protect Marriage Initiative</i>	<i>California Marriage Protection Act (#1)</i>	<i>California Marriage Protection Act (#2)</i>
Protects Word "Marriage" and	YES	Yes	Yes



Licensure of Marriage			
Protects Rights and Privileges of Marriage	YES	No	No
Prevents "Gay Marriage by Another Name"	YES	No	No
Protects Private Companies and Organizations	YES	No	No
Prevents Future Abolishment of Marriage	YES	No	No

You'll notice that one initiative completely protects marriage for one man and one woman, while the two others provide only superficial protection. **Here's the rule for protecting marriage:** If you're going to protect marriage rights and stop all the attacks on marriage, you've got to be specific so the judges can clearly read your initiative and can't "re-interpret" it. **You MUST be SPECIFIC in your text to assure a positive legal effect for marriage protection.**

By viewing the above chart, you can see for yourself that there is only one true-blue California marriage amendment: the Voters' Right to Protect Marriage Initiative. **VoteYesMarriage.com's initiative was drafted over a three-month period by top marriage protection attorneys at Liberty Counsel, the Home School Legal Defense Association, and the American Family Association.**

Also bringing his valuable legislative expertise and institutional history to the drafting process was Randy Thomasson, president of Campaign for Children and Families, who, over the past 12 years, has personally witnessed, studied and written about the numerous attacks on marriage in the California Legislature and the California courts.

**How do you protect marriage in California? You must specifically state in the actual text of the constitutional amendment that the RIGHTS OF MARRIAGE will be protected. That's why the Voters' Right to Protect Marriage Initiative is the standard we must all unite under to protect marriage for one man and one woman, once and for all.**

### **Strong Support for VoteYesMarriage.com**

You'll be encouraged that the **VoteYesMarriage.com amendment has been endorsed by more than 100 pro-family organizations and churches**, including Traditional Values Coalition, American Family Association, Campaign for Children and Families, Center for Reclaiming America, Eagle Forum of California, Eagle Forum of Sacramento, Association of Christian Schools International, Home School Legal Defense Association, B.O.N.D., Center for National Policy Action, Joyce Meyer Ministries, Sacramento Alliance for Civil Rights, Pro-Family Law Center, U.S. Justice Foundation, Life Priority Network, Christian Community Concerns, Confraternidad Hispana Bautista de California, etc. See the larger list of endorsements for the Voters' Right to Protect Marriage Initiative.

**The principled support for protecting everything about marriage for one man and one woman has been outstanding.** (There's more about the Voters' Right to Protect Marriage Initiative further down.)

### **The Truth About the Flawed Protect Marriage Amendment**

**ProtectMarriage.com may have good intentions, but it has NOT produced a sound constitutional marriage amendment.**

Sadly, the truth is that the Protect Marriage Amendment doesn't live up to its name because it won't protect the rights of marriage. Unfortunately, this hastily- and poorly-drafted initiative sponsored by ProtectMarriage.com will forever permit homosexual "marriage" by another name in California by allowing all the rights of marriage to go to gay couples. Such a policy will leave marriage an empty shell without special, exclusive value in the law.

Despite several in-person, telephone and written conversations in which VoteYesMarriage.com heavily lobbied them to protect the essence and rights of marriage for one man and one woman, the ProtectMarriage.com coalition would not adopt this principled standard. They've written a flawed initiative with superficial "marriage protection" language. It won't protect the rights of

marriage.

The "**Protect Marriage Amendment**" reads as follows: "*A marriage between a man and a woman is the only legal union that shall be valid or recognized in this state.*" That's all. These 22 words may sound good, but they lack the essential legal provisions to stop homosexual "marriage" by another name. We'll show you why in a moment. But the big picture is that the Protect Marriage Amendment will leave it up to judges and state legislators to determine whether homosexual "marriage" by another name will forever be the law in California. It's a risk we can't afford.

**Pro-family constitutional attorneys have analyzed the legal effect of ALL THREE California marriage amendments.** These are marriage protection experts, and include [Mathew Staver](#), general counsel of Liberty Counsel; Rena Lindevaldsen, senior litigation counsel of Liberty Counsel; [Steve Crampton](#), chief counsel of the American Family Association Center for Law and Policy; and [Michael Farris](#), general counsel of the Home School Legal Defense Association.

After comparing the various California marriage amendments, these top-rated attorneys endorsed the Voters' Right to Protect Marriage Initiative, concluding that it is "the only one that will fully protect marriage between a man and a woman." [See the letter by pro-family constitutional attorneys here.](#)

This is why citizens who want to protect everything about marriage **CANNOT** in good conscience sign the petition for the "California Marriage Protection Act" sponsored by ProtectMarriage.com. Because it won't protect marriage!

### **The Problem is What Protectmarriage.com's Amendment WON'T Do**

**Pro-family constitutional attorneys** have determined that the California Marriage Protection Act sponsored by ProtectMarriage.com will:

1. **Only protect the word and licensure of marriage** (as long as polygamists don't eventually win the right to marry multiple spouses under "a man and a woman," which is a weaker phrase than "one man and one woman").
2. **Continue homosexual "marriage" by another name in California, depending on a judge's interpretation of "legal union."** (AB 205, a landmark California law that went into effect January 1, 2005, awards virtually all the statutory rights of marriage to homosexual "domestic partners.")
3. **Permit the Legislature to create a new type of "counterfeit marriage."** Because the ProtectMarriage.com amendment doesn't explicitly protect the "rights of marriage," the California State Legislature could also invent a new type of "agreement" under contract law, and insert into it 100 percent of the rights of marriage. They could even declare it is not a "union." This creation of homosexual "marriage" by yet another name would forever reduce marriage for a husband and wife to a mere word without exclusive legal value.
4. **Allow the courts and the Legislature to force private businesses and organizations to undermine marriage** by requiring them to grant full marriage benefits to unmarried persons, despite any religious convictions against this practice.
5. **Even allow a future Legislature to someday abolish the legal institution of marriage** in the name of "equality," "non-discrimination" and "tolerance" for all.

Remember, all that matters in a constitutional marriage amendment is its **LEGAL EFFECT** -- what it will accomplish once the courts are done with it. And the "Protect Marriage Amendment" or "California Marriage Protection Act" is severely lacking in marriage protection.

- **Consider that nowhere does this initiative say it protects the "rights of marriage."** This means all the rights of marriage can go to homosexual partners. The California Legislature would be "unleashed" to create a legislative vehicle in contract law that could award 100 percent of the rights of marriage to homosexual couples, thus creating "gay marriage by another name."

The failure to protect the rights of marriage is why we have counterfeit marriage in California today. The California Court of Appeal, in its April 4, 2005 decision upholding

AB 205 (California Family Code, Section 297.5), ruled that the legal status of marriage for only a man and a woman DOES NOT prevent homosexual couples from being awarded ALL THE RIGHTS OF MARRIAGE under a different name. Here's what the court said:

*"Because the plain, unambiguous language of Proposition 22 is concerned only with who is entitled to obtain the status of marriage, and not with the rights and obligations associated with marriage, section 297.5 (which does not grant the legal status of marriage to registered domestic partners) does not add to, or take away from, Proposition 22." Knight v. Superior Court, 128 Cal. App.4th 14, 26 (2005)*

- **Because the initiative does not define "legal union," it will be up to judges -- not the voters -- to determine whether it bans "domestic partnerships,"** which are stuffed full with marriage rights and currently function as "gay marriage by another name" in California. *(On August 1, the California Supreme Court used this pseudo-gay marriage law (AB 205) to force businesses to treat homosexual couples exactly as if they were married!)*
- **What's more, their poorly-drafted initiative could easily be thrown out of court for being unconstitutionally vague.** The Protect Marriage Amendment says marriage is "the only legal union" allowed in California. If that's the case, then other types of unions -- credit unions, labor unions, student unions, etc. -- would also be illegal. Because multiple, unrelated kinds of legal unions would be banned, the ProtectMarriage.com amendment could **easily be struck down by the California Supreme Court for violating the state constitution's "single-subject law,"** which prohibits ballot initiatives from embracing more than one subject.

**Now you know the facts.** The marriage petition called the "California Marriage Protection Act" or the "Protect Marriage Amendment," which is circulating in some pro-family circles, falls far short of being what it claims to be. **Unless you want homosexual "marriage" by another name in California, citizens in good conscience cannot sign this petition.**

ProtectMarriage.com may have good intentions, but they have NOT produced a sound constitutional marriage amendment. The text of the California Marriage Protection Act will NOT protect the essence of marriage for one man and one woman.

Please read [the June 15 letter signed by pro-family constitutional attorneys](#). After analyzing the legal effect of the three different "California marriage amendments," these **expert attorneys endorsed the Voters' Right to Protect Marriage Initiative as "the only one that will fully protect marriage between a man and a woman."** *That's quite a statement from respected marriage attorneys such as Michael Farris and Mathew Staver.*

### **A True-Blue California Marriage Amendment You Can Whole-Heartedly Support: It's Sponsored by VoteYesMarriage.com**

You know that marriage is a sacred institution, not a mere word. As you can see from the above analysis, if you want to really protect marriage for one man and one woman, you need to protect the rights of marriage. You need to keep everything about marriage special for one man and one woman.

This is why you'll want to support the Voters' Right to Protect Marriage Initiative sponsored by [VoteYesMarriage.com](#).



The language of the Voters' Right to Protect Marriage Initiative is principled and precise. You'll be glad to know that the amendment by [VoteYesMarriage.com](#) will PROTECT EVERYTHING about marriage for one man and a one woman.

The bottom line is this: if you're going to protect marriage rights and stop all the attacks on marriage, you've got to be specific so the judges can clearly read your ballot initiative and can't "re-interpret" it to mean something that it doesn't. The Voters' Right to Protect Marriage Initiative accomplishes this goal.

[You can read the good, strong, clear language of the Voters' Right to Protect Marriage Initiative here.](#) Simply understood, the Voters' Right to Protect Marriage Initiative will:

1. Protect and reserve marriage licenses for only one man and one woman.

2. **Protect the rights of marriage for marriage** (thus preventing counterfeit marriage or homosexual "marriage" by another name, and prohibiting the rights of marriage from going to unmarried persons, including homosexual domestic partners.)
3. **Protect private entities from being forced to undermine marriage** (thus reversing the intolerant California Supreme Court ruling of August 1, 2005.)
4. **Prevent the government from abolishing marriage in the future** (as New York State legislators proposed earlier this year.)

Unlike the ProtectMarriage.com initiative -- which would only protect the word "marriage" yet allow for homosexual "marriage" by another name -- the **Voters' Right to Protect Marriage Initiative** by VoteYesMarriage.com will protect everything about marriage -- marriage licenses, marriage rights, and all aspects of marriage under the law -- for one man and one woman.

### Read the VoteYesMarriage.com Amendment For Yourself

Here's the good, strong, and explicitly-clear text of the **Voters' Right to Protect Marriage Initiative** that would go into the California State Constitution, overriding the judges and politicians, and protecting marriage once and for all:

***a) Only marriage between one man and one woman is valid or recognized in California, whether contracted in this state or elsewhere.***

***b) Neither the Legislature nor any court, government institution, government agency, initiative statute, local government or government official shall abolish the civil institution of marriage between one man and one woman, or bestow statutory rights or incidents of marriage on unmarried persons, or require private entities to offer or provide rights or incidents of marriage to unmarried persons. Any public act, record, or judicial proceeding, from within this state or another jurisdiction, that violates this section is void and unenforceable.***

Do you see how principled and precise and complete the Voters' Right to Protect Marriage Initiative is? Now you know how VoteYesMarriage.com will protect everything about marriage. Because only the **Voters' Right to Protect Marriage Initiative** clearly states that the **RIGHTS OF MARRIAGE** are **FOR MARRIAGE**. This is real marriage protection, unlike the ProtectMarriage.com initiative, which never mentions the word "rights" and will unfortunately reduce marriage to a mere word.

### Get Involved Now

Now that you understand the VoteYesMarriage.com standard to protect marriage rights, and that the Voters' Right to Protect Marriage Initiative is carrying that standard, we invite you to get involved.

- **Get more familiar with our true-blue California marriage amendment** and the principled campaign of VoteYesMarriage.com and the Voters' Right to Protect Marriage Initiative. Visiting the [VoteYesMarriage.com home page](#) is a good place to begin.
- **Take a stand for truth** by rejecting counterfeit marriage and standing for real marriage protection, for one man and one woman, without compromise! Churches and organizations are invited to **endorse the Voters' Right to Protect Marriage Initiative** by downloading and returning the [online endorsement form](#).
- **Stay up-to-date with the latest news!** [Sign up to receive free email updates](#) if you're not already on the list and receiving e-news directly from us. VoteYesMarriage.com will email you when the petitions for the Voters' Right to Protect Marriage petitions are available to sign and circulate.

Thank you for wanting real marriage protection for one man and one woman in California. And thank you for taking the time to read this most important message.

Sincerely,

The VoteYesMarriage.com Coalition  
Official Proponents Assemblyman Larry Bowler, Ed Hernandez, Randy Thomasson

**P.S. Don't be confused.**

Because we are the official proponents of the Voters' Right to Protect Marriage Initiative, there are a few more things for the record that you need to know.

You may have received a **letter dated August 3** from **Mrs. Gail Knight** who is supporting the poorly-drafted "Protect Marriage Amendment." As you know, this amendment won't protect the rights of marriage or stop homosexual "marriage" by another name. Sadly, Mrs. Knight's advisors have led her to **falsely accuse VoteYesMarriage.com** of affirming and awarding marriage rights to homosexual domestic partnerships. Nothing could be further from the truth.

The Voters' Right to Protect Marriage Initiative sponsored by VoteYesMarriage.com **PROTECTS AND RESERVES ALL** the rights of marriage **exclusively for a married man and woman**, and specifically **PROHIBITS** government from "bestow(ing) statutory rights or incidents of marriage on unmarried persons," which includes homosexual domestic partners.

Please read the VoteYesMarriage.com amendment again. Contrast our true-blue marriage protection initiative with the poorly-drafted "Protect Marriage Amendment," which gives away the rights of marriage and allows homosexual "marriage" by another name in more ways than one. This is yet another reason to support VoteYesMarriage.com to defend and advance the truth that ALL of marriage must be protected for one man and one woman in California.

**This spring, we had multiple conversations with ProtectMarriage.com leaders, but they unfortunately would never commit to drafting initiative language that protected the rights of marriage.** After they filed their initiatives with the Attorney General's office, we communicated again and painstakingly pointed out the deep flaws in their initiatives. But they have not repaired or replaced their ineffective language. We hope they will eventually embrace the facts about the disastrous legal effects of the "California Marriage Protection Act."

**In the meantime, please plug in with the VoteYesMarriage.com Voters' Right to Protect Marriage Initiative, which will truly and fully protect marriage in California.**

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**PROOF OF SERVICE**

I, Andrew P. Pugno, declare: I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 101 Parkshore Drive, Suite 100, Folsom, CA 95630. July 10, 2008, I served the within document(s):

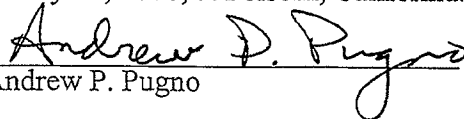
**OPPOSITION OF REAL PARTIES IN INTEREST TO MOTION BY  
CAMPAIGN FOR CALIFORNIA FAMILIES, RANDY THOMASSON, AND  
LARRY BOWLER TO INTERVENE AS REAL PARTIES IN INTEREST;  
DECLARATION OF ANDREW P. PUGNO**

- by transmitting via facsimile from (916) 608-3066 the above listed document(s) without error to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Folsom, California addressed as set forth below.

Stephen V. Bomse Christopher F. Stoll HELLER EHRMAN LLP 333 Bush Street San Francisco, CA 94104-2878 Phone: (415) 772-6000 Fax: (415) 772-6268  <i>Attorneys for</i> Petitioners Brian Bennett, Xavier Barrera, Audrey Koh, and Equality California	Edmund G. Brown, Jr. Mark R. Beckington Office of the Attorney General 300 South Spring Street, Suite 1702 Los Angeles, CA 90013 Phone: (213) 897-1096 Fax: (213) 897-1071  <i>Attorneys for</i> Respondent Secretary of State Debra Bowen, and <i>Amicus Curiae</i> Edmund G. Brown Jr., Attorney General
Mary E. McAlister Liberty Counsel PO Box 11108 Lynchburg, VA 24502 Phone: (434) 592-7000 Fax: (434)592-7700  <i>Attorneys for:</i> Proposed Intervenors Campaign for California Families, Randy Thomasson, and Larry Bowler	

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 10, 2008, at Folsom, California.

  
 Andrew P. Pugno