

1 J. HECTOR MORENO, JR., SBN 131970  
 2 AMY SMITH, SBN 246942  
 3 The Law Firm of J. Hector Moreno, Jr. & Associates  
 4 51 East Campbell Avenue, Suite 128  
 Campbell, CA 95008  
 (408) 370-6160

5 ATTORNEYS FOR PROPOSED *AMICUS CURIAE*  
 6 INSTITUTE FOR MARRIAGE AND PUBLIC POLICY

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 KRISTIN M. PERRY, SANDRA B. STIER, PAUL  
 11 T. KATAMI, and JEFFREY J. ZARRILLO,

12 Plaintiffs,

13 CITY AND COUNTY OF SAN FRANCISCO,

14 Plaintiff-Intervenor,

15 v.

16  
 17 ARNOLD SCHWARZENEGGER, in his official  
 18 capacity as Governor of California; EDMUND G.  
 19 BROWN, JR., in his official capacity as Attorney  
 20 General of California; MARK B. HORTON, in his  
 21 official capacity as Director of the California  
 22 Department of Public Health and State Registrar of  
 23 Vital Statistics; LINETTE SCOTT, in her official  
 24 capacity as Deputy Director of Health Information  
 & Strategic Planning for the California Department  
 of Public Health; PATRICK O'CONNELL, in his  
 official capacity as Clerk-Recorder for the County  
 of Alameda; and DEAN C. LOGAN, in his official  
 capacity as Registrar-Recorder/County Clerk for  
 the County of Los Angeles,

25 Defendants,

26 and

27 PROPOSITION 8 OFFICIAL PROPONENTS  
 28 DENNIS HOLLINGSWORTH, GAIL J.

CASE NO. 09-CV-2292 VRW

**MOTION FOR LEAVE TO FILE  
 BRIEF OF *AMICUS CURIAE*  
 INSTITUTE FOR MARRIAGE AND  
 PUBLIC POLICY**

Date: To be Determined by the Court  
 Time: To be Determined by the Court  
 Location: Courtroom 6, 17th Floor  
 Judge: Chief Judge Vaughn R. Walker

Trial Date: January 11, 2010

1 KNIGHT, MARTIN F. GUTIERREZ, HAK-  
2 SHING WILLIAM TAM, and MARK A.  
3 JANSSON; and PROTECTMARRIAGE.COM –  
4 YES ON 8, A PROJECT OF CALIFORNIA  
5 RENEWAL,

6 Defendants-Intervenors.

7 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

8 PLEASE TAKE NOTICE that *amicus curiae* INSTITUTE FOR MARRIAGE AND  
9 PUBLIC POLICY moves this Court for an order granting leave to participate as *amicus curiae* in  
10 the above-captioned case in support of Defendant-Intervenors. *Amicus curiae* has conferred with  
11 counsel for all parties. Tamar Pachter, Counsel for Defendant Attorney General Edmund G. Brown,  
12 Jr. consents to the filing of this motion, Judy W. Whitehurts, Counsel for Defendant Dean C. Logan  
13 Registrar-Recorder/County-Clerk, County of Los Angeles consents to the filing of this motion,  
14 Andrew W. Stroud, Counsel for the Administration-Defendants consents to the filing of this  
15 motion, and Charles Cooper, Counsel for the Defendant-Intervenors, consents to the filing of this  
16 motion. Claude F. Kolm, Attorney for Defendant Patrick O’Connell, Clerk Recorder of the County  
17 of Alameda is not taking an active role in the case, and therefore does not object the motion.  
18 Matthew McGill, Counsel for the Plaintiffs, Kristen M. Perry, *et al.* does not object to the motion  
19 for leave to file this brief but reserves the right to provide objection or consent to *amicus curiae*’s  
20 brief upon its review. Therese M. Stewart, Counsel for Plaintiff-Intervenor City and County of San  
21 Francisco, reserves the right to consent or object to this motion for a later time.

22 **I. STANDARD FOR MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE***

23 In a case whose legal issues have the potential of impacting parties beyond those directly  
24 involved, and when participation of *amicus curiae* can offer the Court additional information or  
25 analysis, the participation of such third parties is appropriate. *Sonoma Falls Devs., LLC v. Nev.*  
26 *Gold & Casinos, Inc.*, 272 F. Supp.2d 919, 925 (N.D. Cal. 2003). The Court has broad discretion to  
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1 permit third parties to participate in an action as *amicus curiae*. *Gerritsen v. de la Madrid Hurtado*,  
2 819 F.2d 1511, 1514 n.3 (9th Cir. 1987).

3 **II. STATEMENT OF IDENTITY AND INTEREST OF *AMICUS CURIAE***

4 The Institute for Marriage and Public Policy (iMAPP) is a 501(c)(3) nonprofit, nonpartisan  
5 organization dedicated to high quality research and public education on ways that law and public  
6 policy can strengthen marriage as a social institution. Working with top scholars, public officials,  
7 and community leaders, iMAPP brings the latest research to bear on important policy questions,  
8 seeking to promote thoughtful, informed discussion of marriage and family policy at all levels of  
9 American government, academia, and civil society.  
10

11 The Institute for Marriage and Public Policy is committed to advancing civil and thoughtful  
12 debate over the public purposes of marriage and our marriage laws. Accordingly, iMAPP is  
13 concerned by recent trends toward increasing hostility, intimidation and even violence surrounding  
14 the public debate over same-sex marriage.  
15

16 By carefully documenting a wide-range of reprisals directed against people and groups who  
17 supported Proposition 8, iMAPP believes its brief will assist the Court as it considers some of the  
18 legal issues presented in this case.

19 **III. REASONS WHY *AMICUS CURIAE*'S EXPERTISE WILL BE BENEFICIAL TO THIS COURT**

20 Since its inception in 2004, the iMAPP has been heavily involved in research and analysis  
21 regarding ways in which law and public policy can strengthen marriage as a social institution.  
22 Given the policy debates of the day, many of these issues have touched on same-sex unions, and  
23 iMAPP has served to facilitate thoughtful debate and discussion of controversial issues in both  
24 academic and popular contexts. The Institute for Marriage and Public Policy's experience in the  
25 marriage debate has provided it with a perspective on the Proposition 8 debate that we believe  
26 would be of value to this Court as it considers the legal arguments at issue here in their broader  
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cultural context.

**IV. CONCLUSION**

Wherefore, the iMAPP requests this Court’s leave to submit an *amicus curiae* brief in support of Defendant-Intervenors.

Date: January 8, 2010

THE LAW FIRM OF J. HECTOR MORENO, JR.  
& ASSOCIATES

By: /s/ J. Hector Moreno, Jr.  
J. HECTOR MORENO, JR.