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8	UNITED STATES I	
9	NORTHERN DISTRI	CT OF CALIFORNIA
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11	KRISTIN M. PERRY, SANDRA B. STIER, PAUL T. KATAMI, and JEFFREY J.	No. 09-CV-2292 VRW
12	ZARRILLO,	AMENDED MOTION FOR LEAVE TO FILE AN AMICI CURIAE BRIEF BY THE
13	Plaintiffs,	ASIAN LAW CAUCUS, ASIAN AMERICAN JUSTICE CENTER, ASIAN
14	CITY AND COUNTY OF SAN FRAN-	PACIFIC AMERICAN BAR ASSOCIA-
15	CISCO,	TION OF LOS ANGELES COUNTY, ASIAN PACIFIC AMERICAN LEGAL
16	Plaintiff-Intervenor,	CENTER, ASIAN PACIFIC BAR ASSOCIATION OF SILICON VALLEY,
17	v.	ASIAN PACIFIC ISLANDER LEGAL OUTREACH, BIENESTAR HUMAN
18	ARNOLD SCHWARZENEGGER, in his official capacity as Governor of	SERVICES, CALIFORNIA STATE CONFERENCE OF THE NAACP,
19	California; EDMUND G. BROWN, JR., in his official capacity as Attorney General of	COALITION FOR HUMANE IMMIGRANT RIGHTS, JAPANESE
20	California; MARK B. HORTON, in his official capacity as Director of the California Depart-	AMERICAN BAR ASSOCIATION, LA RAZA CENTRO LEGAL, MEXICAN
21	ment of Public Health and State Registrar of Vital Statistics; LINETTE SCOTT, in her	AMERICAN LEGAL DEFENSE AND EDUCATION FUND, NATIONAL BLACK
22	official capacity as Deputy Director of Health Information & Strategic Planning for the	JUSTICE COALITION, SOUTH ASIAN BAR ASSOCIATION OF NORTHERN
23	California Department of Public Health; PATRICK O'CONNELL, in his official	CALIFORNIA AND ZUNA INSTITUTE; AND [PROPOSED] ORDER
24	capacity as Clerk-Recorder for the County of Alameda; and DEAN C. LOGAN, in his	Judge: Chief Judge Vaughn R. Walker
25	official capacity as Registrar-Recorder/County Clerk for the County of Los Angeles,	Dept.: Courtroom 6, 17th Floor
26	Defendants,	
27	and	
28	PROPOSITION 8 OFFICIAL PROPONENTS	

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DENNIS HOLLINGSWORTH, GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM, and MARK A. JANSSON; and PROTECTMARRIAGE.COM - YES ON 8, A PROJECT OF CALIFORNIA RENEWAL,

Defendant-Intervenors.

The Asian Law Caucus, Asian American Justice Center, Asian Pacific American Bar Association of Los Angeles County, Asian Pacific American Legal Center, Asian Pacific Bar Association of Silicon Valley, Asian Pacific Islander Legal Outreach, Bienestar Human Services, California State Conference of the NAACP, Coalition for Humane Immigrant Rights, Japanese American Bar Association, La Raza Centro Legal, Mexican American Legal Defense and Education Fund, National Black Justice Coalition, South Asian Bar Association of Northern California and Zuna Institute (collectively "Amici") respectfully move this Court for leave to file an *amici curiae* brief in support of Plaintiffs in the above captioned case (the "Action").

This Court has broad discretion to appoint *amici curiae*. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). In submitting this brief, *Amici* hope that the legal arguments and empirical data provided will be of assistance to the Court in determining the extent to which the pervasive prejudice against gay men and lesbians impedes their ability to rely on traditional political processes used to protect a minority from discriminatory state action so as to warrant heightened judicial scrutiny of Proposition 8 under the Equal Protection Clause of the United States Constitution.

A central objective of all *Amici* is to protect constituencies who, as a result of their minority status, are at risk of being deprived of fundamental rights through the will of the majority, including the right to marry. Indeed, many of the *Amici* represent communities that have faced marriage discrimination in the past in the form of anti-miscegenation laws. Furthermore, the nearly 1.2 million individuals living in same-sex couples in the U.S. come from diverse racial, ethnic, religious and social backgrounds and are also members of the civil rights organizations, community groups and bar associations that have joined as *Amici* in this brief. *See* Rubenstein,

1	Sears and Sockloskie, The Williams Project, UCLA School of Law, Some Demographic		
2	Characteristics of the Gay Community in the United States, at 3 (2003).		
3	Amici are concerned that enactment of Proposition 8's ban on same-sex marriage allows a		
4	bare political majority to enshrine discrimination into the California Constitution against a class		
5	of persons otherwise accorded heightened judicial scrutiny under California law. Amici believe the		
6	use of the referendum process to deprive gay men and lesbians of a fundamental right without		
7	the protection of heightened scrutiny raises the likelihood that other classes protected under		
8	California law—including classes defined by race, ethnicity, national origin or gender—may be		
9	similarly deprived of long established civil rights. <i>Amici</i> share a common interest in ensuring that		
10	the fundamental right of protected classes to be free from discrimination is not at the mercy of		
11	an electoral majority's whims.		
12			
13	DATED: February 3, 2010		
14	Respectfully submitted,		
15	Respectionly submitted,		
16			
17	By: /S/ Peter Obstler Bingham McCutchen LLP		
18	Peter Obstler Attorneys for <i>Amici Curiae</i>		
19	Auomeys for Amier Curiue		
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21	[PROPOSED] ORDER		
22			
23	Good cause appearing, Amici's request for leave to file an amici curiae brief is		
24	GRANTED.		
25			
26	Hon. Vaughn R. Walker		
27	United States District Court Judge		
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