Nos. S168047, S168066, S168078

IN THE SUPREME COURT OF CALIFORNIA

KAREN L. STRAUSS, et al., Petitioners,

v.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al., Respondents;
DENNIS HOLLINGSWORTH, et al., Interveners.

ROBIN TYLER, et al., Petitioners,

v.

THE STATE OF CALIFORNIA, et al., Respondents;
DENNIS HOLLINGSWORTH, et al., Interveners.

CITY AND COUNTY OF SAN FRANCISCO, et al., Petitioners,

v.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al., Respondents;
DENNIS HOLLINGSWORTH, et al., Interveners.

APPLICATION TO FILE *AMICUS CURIAE* BRIEF; *AMICUS CURIAE* BRIEF OF SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION IN SUPPORT OF PETITIONERS

Troy M. Yoshino, No. 197850
Gonzalo C. Martinez, No. 231724
44 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: 415.989.5900
Facsimile: 415.989.0932

Attorneys for *Amicus Curiae*
SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION

APPLICATION TO FILE *AMICUS CURIAE* BRIEF

Pursuant to Rule 8.520(f) of the California Rules of Court, San Francisco La Raza Lawyers Association ("SFLRLA") respectfully requests leave to file the attached *amicus curiae* brief in support of Petitioners Karen L. Strauss, *et al.*, Robin Tyler, *et al.*, and the City and County of San Francisco, *et al.* (collectively "Petitioners"). This application is timely made.

THE *AMICUS CURIAE* AND ITS STATEMENT OF INTEREST

San Francisco La Raza Lawyers Association is a professional membership organization of San Francisco Bay Area Latino/a attorneys. SFLRLA's core mission is to serve the public interest by cultivating the science of jurisprudence, promoting reform in the law, facilitating the administration of justice, and cooperating with other professional and community organizations in the furtherance of our mission. Central to its mission is SFLRLA's interest in protecting fundamental constitutional rights and minority interests. As such, SFLRLA was the first bar association to file an *amicus curiae* brief with the superior court supporting plaintiffs in what later became *In re Marriage Cases*.

HOW THE PROPOSED BRIEF WILL ASSIST THE COURT

SFLRLA is familiar with the issues before this Court and the scope of the parties' presentation. SFLRLA agrees with the arguments made by Petitioners that Proposition 8 is an invalid constitutional revision.

Further briefing is necessary to address matters that are not fully addressed by the parties, such as the authority of the electorate through the initiative process to direct this Court how to interpret the state Constitution and certain fundamental rights. The accompanying *amicus curiae* brief addresses Question 2 posed in this Court's briefing order of November 19, 2008, and offers a number of unique reasons as to why Proposition 8 violates separation of powers principles inherent in the California Constitution.

CONCLUSION

For the foregoing reasons, SFLRLA respectfully requests that the Court accept the accompanying *amicus curiae* brief for filing in this case.

Dated: January 15, 2009

Respectfully submitted,

By _____

Troy M. Yoshino
Gonzalo C. Martinez
Attorneys for *Amicus Curiae*
SAN FRANCISCO LA RAZA
LAWYERS ASSOCIATION

Nos. S168047, S168066, S168078

IN THE SUPREME COURT OF CALIFORNIA

KAREN L. STRAUSS, et al., Petitioners,

v.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al., Respondents;
DENNIS HOLLINGSWORTH, et al., Interveners.

ROBIN TYLER, et al., Petitioners,

v.

THE STATE OF CALIFORNIA, et al., Respondents;
DENNIS HOLLINGSWORTH, et al., Interveners.

CITY AND COUNTY OF SAN FRANCISCO, et al., Petitioners,

v.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al., Respondents;
DENNIS HOLLINGSWORTH, et al., Interveners.

AMICUS CURIAE BRIEF OF SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION IN SUPPORT OF PETITIONERS

Troy M. Yoshino, No. 197850
Gonzalo C. Martinez, No. 231724
44 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: 415.989.5900
Facsimile: 415.989.0932

Attorneys for *Amicus Curiae*
SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Cases

TABLE OF AUTHORITIES
(continued)

Page(s)

Other Authorities

INTRODUCTION

This Court previously "conclude[d] that the right to marry, as embodied in article I, sections 1 and 7 of the California Constitution, guarantees same-sex couples the same substantive constitutional rights as opposite-sex couples" to marry. (*In re Marriage Cases* (2008) 43 Cal.4th 757, 829 [hereafter "*Marriage Cases*"].) In addressing a statute using the same language as Proposition 8, the Court consistently made clear that its conclusion was based—not on a definition of marriage—but rather on the interpretation of fundamental rights enumerated in article I, sections 1 and 7. (*Id.* at pp. 818-19, 820, 823.)

Proposition 8 does not amend the fundamental rights this Court interpreted in *Marriage Cases*.[1] It instead attempts to tell this Court ***how to interpret*** those rights. In the words of its own proponents, Proposition 8 "overturns the flawed legal reasoning of four judges in San Francisco . . . ." (Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Rebuttal to Argument Against Prop. 8, at p. 57 [hereafter "Rebuttal to Arguments Against Prop.

---

[1] If Proposition 8 is read to change fundamental and inalienable rights interpreted in *Marriage Cases* then, as Petitioners and others explain, it must be considered an unconstitutional "revision." This brief advances an argument in the alternative: to the extent the rights to liberty, privacy, due process and equal protection have not themselves been changed, then the pre-existing interpretation of those rights in *Marriage Cases* must control—and the attempt to mandate a change in the Court's interpretation of pre-existing rights violates separation of powers principles.

8"].) The proposition purports to "restore" the definition of marriage (*id.*, and Voter Information Guide, Gen. Elec. (Nov. 4, 2008) Argument in Favor of Prop. 8, at p. 56 [hereafter "Arguments in Favor of Prop. 8"]), but does not change the ***bases*** for the reasoning that the Court employed to prohibit "the difference in the official names" of heterosexual and same-sex relationships in the first instance. (*Marriage Cases, supra*, 43 Cal.4th at p. 780.)

This attempt to attack the "reasoning" of this Court—to change its interpretation of article I, sections 1 and 7—without revising the bases for its reasoning violates separation of powers principles inherent in the California Constitution and renders Proposition 8 unconstitutional.

ARGUMENT

I

SEPARATION OF POWERS PRINCIPLES PROHIBIT THE ELECTORATE FROM MANDATING INTERPRETATIONS OF THE CONSTITUTION

The electorate's power of initiative is neither unfettered nor is it immune from constitutional scrutiny, including a separation of powers analysis. (*Marine Forests Soc. v. California Coastal Comm'n* (2005) 36 Cal.4th 1, 43 ["that the California Constitution permits a particular governmental function . . . to be exercised by a particular branch . . . does not establish that the separation of powers clause places no limits on the exercise of that function by that branch . . . ."].)

There is no question that when the electorate exercises the initiative, it acts in a law-making role. (See, e.g., *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687, 694-696 [initiative power can be exercised only to accomplish acts that are legislative in character].) Thus, this Court has previously recognized limitations on that power. The initiative cannot be used for purposes other than law-making. (*Id.* at p. 708 [initiative cannot be used to compel Legislature to propose amendment to the federal constitution].)

The initiative power is also subject to state and federal constitutional limitations. (*Legislature of the State of California v. Deukmejian* (1983) 34 Cal.3d 658, 674 ; see, e.g., *Mulkey v. Reitman* (1966) 64 Cal.2d 529 [striking down initiative amendment for violating equal protection]; cf. *West Virginia State Bd. of Educ. v. Barnette* (1943) 319 U.S. 624, 638 ["One's right to life, liberty, and property . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no election"]; *Lucas v. Forty-Fourth Gen. Assembly of Colo.* (1964) 377 U.S. 713, 736 ["A citizen's constitutional rights can hardly be infringed simply because a majority of the people choose that it be"].)

Within these important constitutional limitations, the electorate has the power to change the substance of a right itself. But it cannot tell this Court ***how*** to interpret the Constitution or apply pre-existing constitutional rights. "The judiciary, from the very nature of its powers and

means given it by the Constitution, must possess the right to construe the Constitution in the last resort . . . ." (*Raven v. Deukmejian* (1990) 52 Cal.3d 336, 338 [quoting *Nogues v. Douglass* (1858) 7 Cal. 65, 69-70]; see also Cal. Const., article VI, section 1; *Connerly v. Schwarzenegger* (2007) 146 Cal.App.4th 739, 747 ["The California Supreme Court . . . is the final authority on the interpretation of the state Constitution."] [internal quotes and citation omitted].)

This Court's precedents illustrate the distinction between permissible law-making that leaves room for judicial interpretation and impermissible constitutional directives in the initiative process. In *People v. Frierson* (1979) 25 Cal.3d 142, 186 this Court upheld an initiative amendment to the Constitution that changed the ***substance*** of the right to be free from cruel and unusual punishment exactly because it still preserved the ability to protect, interpret, and apply fundamental rights. The proposition at issue there expressly provided that: laws allowing potential imposition of the "death penalty . . . shall not be deemed to be, or to constitute, the infliction of cruel or unusual punishments . . . ." (*Id.* at p. 173.)

That initiative, which allowed potential imposition of the death penalty, was permissible, in part, because it did not impede this Court's ultimate role in interpreting and applying constitutional protections in any individual case. As this Court recognized: "we retain broad powers of

judicial review . . . to [among other things] safeguard against arbitrary or disproportionate treatment," a fundamental right. (*Id.* at p. 187.) Unlike Proposition 8, which purports to direct this Court to interpret the Constitution as blanketly prohibiting all same-sex marriage, the proposition in *Frierson* left room for this Court to determine whether the death penalty was appropriate in light of its interpretation of fundamental rights.

In contrast is *Raven v. Deukmejian* (1990) 52 Cal.3d 336, 338. There, this Court invalidated an initiative amendment that did not directly change fundamental rights—but would have "vest[ed] all judicial *interpretive* power, as to fundamental criminal defense rights" in the California Constitution in a body *other than* the California Supreme Court. (*Id.* at p. 336 [italics original].) That attempt to control this Court's interpretation of fundamental rights was simply impermissible.

Principles enumerated in *City of Boerne v. Flores* (1997) 521 U.S. 507 further demonstrate why Proposition 8 violates this proscription. There, the U.S. Supreme Court recognized that legislative enactments purporting to circumvent pre-existing judicial interpretations must be understood in the context of the Court's role as the final interpreter of the federal Constitution.

Seven years prior to *Boerne*, the high court interpreted the scope and understanding of certain freedom-of-religion guarantees under the First Amendment. (*Id.* at p. 512-13 [discussing *Employment Div. v. Smith*

(1990) 494 U.S. 872].) As in this case, the "law-making" act subsequently attempted to "restore" the traditional, pre-*Smith* view of the scope of those rights under the First Amendment. (*Id.* at p. 515.) That legislative act did not, however, change the substance of those rights. The Court found that this attempt to change the reasoning expressed in *Smith* without changing the ***basis*** for that reasoning was an unconstitutional violation of separation of powers principles:

> Our national experience teaches that the Constitution is preserved best when each part of the Government respects both the Constitution and the proper actions and determinations of the other branches. When the Court has interpreted the Constitution, it has acted within the province of the Judicial Branch, which embraces the duty to say what the law is. *Marbury v. Madison* [(1803) 5 U.S. (1 Cranch) 137, 177]. When the political branches of the Government act against the background of a judicial interpretation of the Constitution already issued, it must be understood that in later cases and controversies the Court will treat its precedents with the respect due them under settled principles, including *stare decisis*, and contrary expectations must be disappointed.

(*Id.* at p. 536.)

Our structure of government prevents law-makers from compelling a certain interpretation of constitutional rights by the judiciary. Under separation of powers principles, it is impermissible to "deprive[] the state judiciary of its foundational power to decide cases by independently interpreting provisions of the state constitution . . . ." (*Legislature of the State of California v. Eu* (1991) 54 Cal.3d 492, 509.) Accordingly, ballot

initiatives cannot direct interpretation and application of pre-existing constitutional provisions that have already been interpreted by prior case law.

II

PROPOSITION 8 VIOLATES SEPARATION OF POWERS PRINCIPLES BECAUSE IT PURPORTS TO TELL THIS COURT THE MEANING OF PRE-EXISTING FUNDAMENTAL RIGHTS IN THE CALIFORNIA CONSTITUTION

In *Marriage Cases*, this Court interpreted article I, sections 1 and 7 of the California Constitution to find that the rights to liberty, privacy, due process, and equal protection specifically enumerated in the Constitution encompass a right for same-sex couples to marry. Proposition 8 does not change sections 1 or 7, or any of the pre-existing fundamental rights interpreted in *Marriage Cases*.

Rather, Proposition 8 attacks this Court's ***interpretation*** of those fundamental rights. In the words of its proponents, Proposition 8 seeks to "overturn[] the flawed legal ***reasoning*** of four judges in San Francisco . . . ." (Rebuttal to Argument Against Prop. 8, at p. 57 [italics and emphasis added]; see also Argument in Favor of Prop. 8, at p. 56 ["*[i]t overturns the outrageous decision of four activist Supreme Court judges who ignored the will of the people*"] [italics original].) Because this Court properly acts as the final arbiter in interpreting and applying the

fundamental rights enumerated in sections 1 and 7, Proposition 8's attempt to change the "reasoning" of this Court is invalid.

A. In *Marriage Cases*, This Court Interpreted Article I, Sections 1 and 7 to Encompass a Right for Same-Sex Couples to Marry

This Court's decision in *Marriage Cases* established that the California Constitution's liberty and privacy clauses guarantee same-sex couples the same substantive rights to marry as heterosexual couples. (*Marriage Cases, supra*, 43 Cal.4th at pp. 809-829.) Interpreting and applying article I, sections 1 and 7 of the California Constitution, this Court held that "the right to marry is a basic, *constitutionally protected civil right* – a fundamental right of free men and women . . . protected from abrogation or elimination by the state." (*Id.* at p. 818 [internal citations and quotation marks omitted; italics original].)

This Court interpreted the California Constitution as grounding the right of marriage on fundamental, inalienable Constitutional rights applicable to heterosexual and homosexual individuals alike:

> [S]ections 1 and 7 of article I of the California Constitution ***cannot properly be interpreted*** to withhold from gay individuals the same basic civil right of personal autonomy and liberty (including the right to establish, with the person of one's choice, an officially recognized and sanctioned family) that the California Constitution affords heterosexual individuals. The privacy and due process provisions of our state Constitution—in declaring that "[a]ll people . . . have [the] inalienable right[] [of] privacy" (art. I, § 1) and that no person may be deprived of

> "liberty" without due process of law (art. I, § 7) – do not purport to reserve to persons of a particular sexual orientation the substantive protection afforded by those provisions.

(*Id.* at p. 823 [brackets and ellipses original; italics and emphasis added]; see also *id.* at p. 820 ["[i]n light of the fundamental nature of the substantive rights embodied in the right to marry . . . the ***California Constitution properly must be interpreted*** to guarantee this basic civil right to all individuals and couples, without regard to their sexual orientation"] [italics and emphasis added]; *id.* at pp. 818-19 [that right "is an integral component of an individual's interest in *personal autonomy* protected by the privacy provision of article I, section 1 and of the liberty interest protected by the due process clause of article I, section 7"] [italics original].)

B. Proposition 8 Is Invalid Because It Seeks to Change the "Reasoning" of This Court Without Changing the Fundamental Rights on Which That Reasoning Was Based

Proposition 8 purports to "overturn[] the flawed legal ***reasoning*** of four judges in San Francisco," *i.e.*, this Court's prior interpretation that the rights enumerated in sections 1 and 7 of the state Constitution encompass the right of same-sex couples to marry. (Rebuttal to Argument Against Prop. 8, at p. 57 [emphasis added; italics original].) Proposition 8, however, does not change the ***bases*** for that reasoning (*i.e.*, the fundamental rights of liberty and privacy), and therefore is an unconstitutional

infringement of this Court's role as the ultimate authority interpreting and applying constitutional rights.

Perhaps recognizing the line between law-making and impermissible directives to this Court on matters of constitutional interpretation, Interveners attempt to cast Proposition 8 as merely "restor[ing] the definition" of marriage. (Argument in Favor of Prop. 8, at p. 56; Rebuttal to Argument Against Prop. 8, at p. 57; see also *Boerne, supra*, 521 U.S. at p. 515 [finding unconstitutional similar attempt to "restore" prior law without changing fundamental rights interpreted in prior case law].)

But *Marriage Cases* was never about the definition of marriage. Rather, it was about the interpretation of fundamental rights, and whether article I, sections 1 and 7 encompass a right of marriage for same-sex couples:

> It is important to understand at the outset that our task in this proceeding is not to decide whether we believe, *as a matter of policy*, that the officially recognized relationship *should* be designated a marriage rather than a domestic partnership (or some other term), but instead only to determine whether the difference in the official names of the relationships *violates the California Constitution.*

(*Id.* at p. 780 [italics original].)

Contrary to Interveners' most recent arguments, Proposition 8 is not a "carve out" to the fundamental rights of liberty, privacy, due process,

and equal protection. Voters were expressly told that these fundamental rights were ***not*** themselves being amended. (Rebuttal to Argument Against Prop. 8, at p. 57 [telling voters that proposition was intended to eliminate right of same-sex couples to marry without "tak[ing] away any other rights or benefits of gay couples"]; see also *ITT World Communications v. City and County of San Francisco* (1985) 37 Cal.3d 859, 865-866 [a constitutional amendment "should not be construed to effect the implied repeal of another constitutional provision . . . . In order for the second law to repeal or supersede the first, the former must constitute a revision of the entire subject, so that the court may say that it was intended as a substitute for the first."][internal quotation marks and citations omitted].)

Intervener's "carve-out" arguments highlight that the distinction between permissible law-making and impermissible constitutional-interpretive directives is not a mere technicality—particularly in this circumstance. Putting aside the significant question of whether the "inalienable rights" in article I, section 1 could ever be abrogated by amendment or initiative, there is little doubt that Californians may have felt differently about enacting a carve-out to the fundamental rights of liberty, privacy, due process, and equal protection. Certainly, the proponents of Proposition 8 would not have been able to campaign on a platform that "other rights" of same-sex couples would remain unaffected, as they did here.

CONCLUSION

In *Marriage Cases*, this Court interpreted the fundamental rights of liberty, privacy, due process, and equal protection to make ***in***valid attempts to limit the right of marriage to heterosexual couples. Proposition 8 does not revise or amend the fundamental rights at issue in *Marriage Cases*, but instead compels a certain interpretation of them, requiring this Court to find that its construction of the California Constitution was wrong and that: "[o]nly marriage between a man and a woman is valid or recognized" under the Constitution.

Separation of powers principles mandate that "[t]he judiciary . . . must possess the right to construe the Constitution in the last resort . . . ." (*Raven, supra*, 52 Cal.3d at p. 338 [citation omitted].) As such, Proposition 8's directive to interpret the state Constitution as precluding the right of same-sex couples to marry is invalid and unconstitutional.

Dated: January 15, 2009

Respectfully submitted,

By _____
Troy M. Yoshino
Gonzalo C. Martinez
Attorneys for *Amicus Curiae*
SAN FRANCISCO LA RAZA
LAWYERS ASSOCIATION

CERTIFICATE OF WORD COUNT

The text of this brief consists of 2,622 words, as counted by the word-processing program used to generate the brief.

Dated: January 15, 2009

Respectfully submitted,

By _____
Troy M. Yoshino
Gonzalo C. Martinez
Attorneys for *Amicus Curiae*
SAN FRANCISCO LA RAZA
LAWYERS ASSOCIATION

California Supreme Court Case Nos. S168047, S168066 and S168078

PROOF OF SERVICE BY MAIL

I declare that I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within cause; my business address is 44 Montgomery Street, Suite 400, San Francisco, CA 94104. On January 15, 2009, I served the enclosed:

APPLICATION TO FILE *AMICUS CURIAE* BRIEF; *AMICUS* CURIAE BRIEF OF SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION IN SUPPORT OF PETITIONERS

I am readily familiar with the business practice for collection and processing correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelopes were sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.

Shannon Minter
National Center for Lesbian Rights
870 Market Street, Suite 370
San Francisco, CA 94102
415.392.6257
415.392.8442 Fax

Attorneys for Petitioners Karen L. Strauss et al. (S168047)

Gloria Allred
Allred, Maroko & Goldberg
6300 Wilshire Blvd., Ste. 1500
Los Angeles, CA 90048
323.653.6530

Attorneys for Petitioners Robin Tyler et al. (S168066)

Gregory D. Phillips
Munger, Tolles & Olsen, LLP
355 S. Grand Avenue, 35th Fl.
Los Angeles, CA 90071-1560
213.683.9100
213.687.3702 Fax

Attorneys for Petitioners Karen L. Strauss et al. (S168047)

Dennis J. Herrera
City Attorney
City Hall, Room 234
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94012-4682
415.554.4708
415.554.4699 Fax

Attorneys for Petitioner City and County of San Francisco (S168078)

Jerome B. Falk, Jr.
Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation
Three Embarcadero Center, 7th Fl.
San Francisco, CA 94111-4024
415.434.1600
415.217.5910 Fax

Attorneys for Petitioners City and County of San Francisco, et al. (S168078)

Rockard J. Delgadillo
City Attorney
Office of the Los Angeles City Attorney
200 N. Main Street
City Hall East, Rm. 800
Los Angeles, CA 90012
213.978.8100
213.978.8312 Fax

Attorneys for Petitioner City of Los Angeles (S168078)

Richard E. Winnie
County Counsel
Office of County Counsel
County of Alameda
1221 Oak Street, Suite 450
Oakland, CA 94612
510.272.6700

Attorneys for Petitioner County of Alameda (S168078)

Michael P. Murphy
County Counsel
Hall of Justice and Records
400 County Center, 6th Fl.
Redwood City, CA 94063
650.363.1965
650.363.4034 Fax

Attorneys for Petitioner County of San Mateo (S168078)

Ann Miller Ravel
County Counsel
Office of the County Counsel
70 West Hedding Street
East Wing, 9th Fl.
San Jose, CA 95110-1770
408.299.5900
408.292.7240 Fax

Attorneys for Petitioner County of Santa Clara (S168078)

Raymond G. Fortner, Jr.
County Counsel
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012-2713
213.974.1845
213.617.7182 Fax

Attorneys for Petitioner County of Los Angeles (S168078)

Patrick K. Faulkner
County Counsel
3501 Civic Center Drive, Rm. 275
San Rafael, CA 94903
415.499.6117
415.499.3796 Fax

Attorneys for Petitioner County of Marin (S168078)

Dana McRae
County Counsel, County of Santa Cruz
701 Ocean Street, Rm. 505
Santa Cruz, CA 95060
831.454.2040
831.454.2115 Fax

Attorneys for Petitioner County of Santa Cruz (S168078)

Harvey E. Levine
City Attorney
3300 Capitol Avenue
Fremont, CA 94538
510.284.4030
510.284.4031 Fax

Attorneys for Petitioner City of Fremont (S168078)

John Russo
City Attorney
Oakland City Attorney
City Hall, 6th Fl.
1 Frank Ogawa Plaza
Oakland, CA 94612
510.238.3601
510.238.6500 Fax

Attorneys for Petitioner City of Oakland (S168078)

John G. Barisone
City Attorney
Atchison, Barisone, Condotti & Kovacevich
Santa Cruz City Attorney
333 Church Street
Santa Cruz, CA 95060
831.423.8383
831.423.9401 Fax

Attorneys for Petitioner City of Santa Cruz (S168078)

Lawrence W. McLaughlin
City Attorney
City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95472
707.579.4523
707.577.0169 Fax

Attorneys for Petitioner City of Sebastopol (S168078)

Philip D. Kohn
Rutan & Tucker, LLP
City Attorney, City of Laguna Beach
611 Anton Blvd., 14th Fl.
Costa Mesa, CA 92626-1931
714.641.5100
714.546.9035 Fax

Attorneys for Petitioner City of Laguna Beach (S168078)

Michael J. Aguirre
City Attorney
Office of the City Attorney, City of San Diego
Civil Division
1200 Third Avenue, Suite 1620
San Diego, CA 92101-4178
619.236.6220
619.236.7215 Fax

Attorneys for Petitioner City of San Diego (S168078)

Marsha Jones Moutrie
City Attorney
Santa Monica City Attorney's Office
City Hall
1685 Main Street, 3rd Fl.
Santa Monica, CA 90401
310.458.8336
310.395.6727 Fax

Attorneys for Petitioner City of Santa Monica (S168078)

Edmund G. Brown, Jr.
Office of the Attorney General
1300 I. St., Ste. 125
Sacramento, CA 95814-2951
916.445.7385

Attorneys for Respondents Edmund G. Brown Jr., (S168047, S168066 and S168078) and for Respondent State of California (S168066)

Kenneth C. Mennemeier
Mennemeier, Glassman & Stroud LLP
980 9th Street, Suite 1700
Sacramento, CA 95814-2736
916.553.4000
916.553.4011 Fax

Attorneys for Respondents Mark B. Horton and Linette Scott (S168047, S168078)

Andrew P. Pugno
Law Offices of Andrew P. Pugno
101 Parkshore Drive, Suite 100
Folsom, CA 95630-4726
916.608.3065
916.608.3066 Fax

Attorneys for Interveners Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, Mark A. Jansson, and Protectmarriage.com

Kenneth W. Starr
24569 Via De Casa
Malibu, CA 90265-3205
310.506.4621
310.506.4266 Fax

Attorneys for Interveners Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, Mark A. Jansson, and Protectmarriage.com

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 15, 2009, at San Francisco, California.

Stephanie Ferrell