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9 ATTORNEYS FOR PROPOSED AMICUS CURIAE AMERICAN COLLEGE OF PEDIATRICIANS

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

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

Plaintiffs,

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff-Intervenor,

v.

ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND G.
BROWN, JR., in his official capacity as Attorney
General of California; MARK B. HORTON, in his
official capacity as Director of the California
Department of Public Health and State Registrar of
Vital Statistics; LINETTE SCOTT, in her official
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,

Defendants,

and

PROPOSITION 8 OFFICIAL PROPONENTS
DENNIS HOLLINGSWORTH, GAIL J.
KNIGHT, MARTIN F. GUTIERREZ, HAK-

CASE NO. 09-CV-2292 VRW

**MOTION FOR LEAVE TO FILE
BRIEF OF *AMICUS CURIAE*
AMERICAN COLLEGE OF
PEDIATRICIANS; [PROPOSED]
ORDER**

***AMICUS CURIAE* BRIEF IN
SUPPORT OF DEFENDANT-
INTERVENORS**

Date: (To be determined by the Court)
Time:

Location: Courtroom 6, 17th Floor
Judge: Chief Judge Vaughn R. Walker

Trial Date: January 11, 2010

1 SHING WILLIAM TAM, and MARK A.
2 JANSSON; and PROTECTMARRIAGE.COM –
3 YES ON 8, A PROJECT OF CALIFORNIA
4 RENEWAL,

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Defendants-Intervenors.

1 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that at a date and time to be determined by the Court, or as soon
3 thereafter as the matter may be heard, before the Honorable Vaughn R. Walker, United States
4 District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco,
5 California, *amicus curiae* American College of Pediatricians (“*Amicus*” or “College”), will move
6 this Court for an order granting leave to participate *amicus curiae* in the above-captioned case in
7 support of Defendant-Intervenors.
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9 *Amicus* has conferred with counsel for all parties. Counsel for the Attorney General, the
10 Registrar-Recorder/County Clerk, County of Los Angeles, and Clerk Recorder of the County of
11 Alameda have consented to this motion. Counsel for the Perry Plaintiffs have not responded to the
12 request for consent. Moreover, Counsel for the Plaintiff-Intervenor City and County of San
13 Francisco has not consented to the brief.
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15 **I. STANDARD FOR MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE***

16 The Court has broad discretion to permit third parties to participate in an action as *amicus*
17 *curiae*. *Gerritsen v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir. 1987). Participation of
18 *amicus curiae* may be particularly appropriate where the legal issues in a case have potential
19 ramifications beyond the parties directly involved or where *amicus* can offer a unique perspective
20 that may assist the Court. *Sonoma Falls Devs., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp.2d
21 919, 925 (N.D. Cal. 2003).
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23 **II. STATEMENT OF IDENTITY AND INTEREST OF *AMICUS CURIAE***

24 *Amicus Curiae* American College of Pediatricians is a national medical association of
25 pediatricians and other healthcare professionals who specialize in the care of infants, children, and
26 adolescents. The College was formed in 2002 to promote the welfare of children and the
27 preservation of the natural family, and is dedicated to ensuring all children reach their optimal
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1 physical and emotional well-being. Its members believe that children are the future of our nation
2 and should be reared in the best possible family environment and supported by physicians
3 committed to ensuring their optimal health and well-being.

4 The College is dedicated to educating parents, pediatricians, policy makers, and society
5 about factors that are most likely to enhance a child's well-being.

6 The College recognizes that the basic father-mother family unit within the context of
7 marriage is the optimal setting for childhood development. Its members promote this basic family
8 unit while pledging support for all children, regardless of their circumstances. Consistent with that
9 goal, the College has filed briefs *amicus curiae* in cases dealing with parenting and the welfare of
10 children.
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12 **III. REASONS WHY AMICUS CURIAE'S EXPERTISE WILL BE BENEFICIAL TO THIS COURT**

13 Based on its academic and professional expertise, the College publishes position papers and
14 policy statements on issues affecting children, families, and society using evidenced-based medical
15 research and expert opinion to assist parents and influence childrearing. The College's expertise
16 will be beneficial to the Court in determining whether the decision to set parameters on marriage is
17 both rational and compelling.
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19 **IV. CONCLUSION**

20 Wherefore, American College of Pediatricians requests this Court's leave to submit an
21 *amicus* brief in support of Defendant-Intervenors.
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23 Dated: January 8, 2010.

24 By: /s/ Kevin T. Snider

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