

1 Holly L. Carmichael
holly.l.carmichael@gmail.com
2 5096 Selinda Way
Los Gatos, CA 95032
3 408-838-1212

4 ATTORNEY FOR *AMICUS CURIAE* NATIONAL LEGAL FOUNDATION

5
6
7
8 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

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

11 Plaintiffs,

12 CITY AND COUNTY OF SAN FRANCISCO,

13 Plaintiff-Intervenor,

14 v.

15
16 ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND G.
17 BROWN, JR., in his official capacity as Attorney
General of California; MARK B. HORTON, in his
18 official capacity as Director of the California
Department of Public Health and State Registrar of
19 Vital Statistics; LINETTE SCOTT, in her official
capacity as Deputy Director of Health Information
20 & Strategic Planning for the California Department
of Public Health; PATRICK O'CONNELL, in his
21 official capacity as Clerk-Recorder for the County
of Alameda; and DEAN C. LOGAN, in his official
22 capacity as Registrar-Recorder/County Clerk for
the County of Los Angeles,
23

24 Defendants,

25 and

26 PROPOSITION 8 OFFICIAL PROPONENTS
27 DENNIS HOLLINGSWORTH, GAIL J.
KNIGHT, MARTIN F. GUTIERREZ, HAK-
28 SHING WILLIAM TAM, and MARK A.

CASE NO. 09-CV-2292 VRW

MOTION FOR LEAVE TO FILE
BRIEF OF *AMICUS CURIAE*
NATIONAL LEGAL FOUNDATION;
[PROPOSED] ORDER

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

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 JANSSON; and PROTECTMARRIAGE.COM –
2 YES ON 8, A PROJECT OF CALIFORNIA
3 RENEWAL,

4
5 Defendants-Intervenors.

6 Additional Counsel for Amicus Curiae National Legal Foundation

7 National Legal Foundation
8 Steven Fitschen, Of Counsel
9 *nlf@nlf.net*
10 P.O. Box 64427
11 Virginia Beach, VA 23467-4427
12 Tel: 757-463-6133
13 Fax: 757-463-6055
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that *Amicus Curiae* National Legal Foundation, will move this
3 Court for an order granting leave to participate *amicus curiae* in the above-captioned case in
4 support of Defendant-Intervenors.

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

6 The Court has broad discretion to permit third parties to participate in an action as *amicus*
7 *curiae*. *Gerritsen v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir. 1987). Participation
8 of *amicus curiae* may be particularly appropriate where the legal issues in a case have potential
9 ramifications beyond the parties directly involved or where amicus can offer a unique perspective
10 that may assist the Court. *Sonoma Falls Devs., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp.2d
11 919, 925 (N.D. Cal. 2003).

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

13 *Amicus* is a public interest law firm, litigating issues related to citizens' constitutional
14 rights—including the marriage issue before this Court. Its constituents, which include many
15 California citizens, have a great interest in the outcome of this Court's decision.

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

17 *Amicus* seeks to provide information to this Court bearing on its decision of whether to
18 endorse a legal declaration that the Lesbian, Gay, Bisexual, and Transgendered (LGBT) community
19 lacks political power.

20 **IV. CONCLUSION**

21 Wherefore, National Legal Foundation requests this Court's leave to submit an *amicus* brief
22 in support of Defendant-Intervenors.

23 Dated: January 8, 2010.

24
25
26
27 HOLLY L. CARMICHAEL
28 ATTORNEY FOR AMICUS CURIAE NATIONAL LEGAL
FOUNDATION

By: s/Holly L. Carmichael
Holly L. Carmichael

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28