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11 ATTORNEYS FOR PROPOSED INTERVENORS DENNIS HOLLINGSWORTH,
12 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
13 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A
PROJECT OF CALIFORNIA RENEWAL

14 * *Pro hac vice* application forthcoming
+ Application for admission forthcoming

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

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

19 Plaintiffs,

20 v.

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

CASE NO. 09-CV-2292 VRW

**ANSWER OF PROPOSED
INTERVENORS DENNIS
HOLLINGSWORTH, GAIL J.
KNIGHT, MARTIN F. GUTIERREZ,
HAK-SHING WILLIAM TAM, MARK
A. JANSSON, AND
PROTECTMARRIAGE.COM – YES
ON 8, A PROJECT OF CALIFORNIA
RENEWAL**

1 the County of Los Angeles,

2 Defendants,

3 and

4 PROPOSITION 8 OFFICIAL PROPONENTS
5 DENNIS HOLLINGSWORTH, GAIL J.
6 KNIGHT, MARTIN F. GUTIERREZ, HAK-
7 SHING WILLIAM TAM, and MARK A.
8 JANSSON; and PROTECTMARRIAGE.COM –
9 YES ON 8, A PROJECT OF CALIFORNIA
10 RENEWAL,

11 Proposed Intervenors.

1 Proposed Intervenors Proposition 8 Official Proponents Dennis Hollingsworth, Gail J.
2 Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson (collectively referred
3 to as “Proponents”), and Proposition 8 Campaign Committee ProtectMarriage.com – Yes on 8, a
4 Project of California Renewal (the “Committee”), by and through counsel, answer Plaintiffs’
5 Complaint for Declaratory, Injunctive, or Other Relief as follows:

6 1. Proposed Intervenors deny the allegations in Paragraph 1 of the Complaint except to
7 admit that the Supreme Court of the United States wrote in *Loving v. Virginia*, 388 U.S. 1, 12
8 (1967), that “[m]arriage is one of the ‘basic civil rights of man,’ fundamental to our very existence
9 and survival,” that Proposition 8 passed in November 2008, and that Proposition 8 amended the
10 California Constitution to state that “[o]nly marriage between a man and a woman is valid or
11 recognized in California.” Cal. Const. art. I, § 7.5.

12 2. Proposed Intervenors acknowledge that Plaintiffs request an injunction in Paragraph
13 2 of the Complaint, but deny that Plaintiffs are entitled to such relief and further deny that this
14 Court has jurisdiction to grant such relief.

15 3. The allegations in Paragraph 3 of the Complaint contain conclusions of law which
16 require no answer. Proposed Intervenors lack sufficient information to respond to any factual
17 allegations in Paragraph 3 of the Complaint; thus they are deemed denied.

18 4. The allegations in Paragraph 4 of the Complaint contain conclusions of law which
19 require no answer. Proposed Intervenors lack sufficient information to respond to any factual
20 allegations in Paragraph 4 of the Complaint; thus they are deemed denied.

21 5. Proposed Intervenors acknowledge that Plaintiffs request a declaratory judgment in
22 Paragraph 5 of the Complaint, but deny that Plaintiffs are entitled to such relief and further deny
23 that this Court has jurisdiction to grant such relief. Proposed Intervenors acknowledge that
24 Plaintiffs request an injunction in Paragraph 5 of the Complaint, but deny that Plaintiffs are entitled
25 to such relief and further deny that this Court has jurisdiction to grant such relief.

26 6. Proposed Intervenors acknowledge that Plaintiffs request a declaratory judgment in

1 Paragraph 6 of the Complaint, but deny that Plaintiffs are entitled to such relief and further deny
2 that this Court has jurisdiction to grant such relief. Proposed Intervenors acknowledge that
3 Plaintiffs request an injunction in Paragraph 6 of the Complaint, but deny that Plaintiffs are entitled
4 to such relief and further deny that this Court has jurisdiction to grant such relief.

5 7. Proposed Intervenors lack sufficient information to respond to the allegations about
6 the identities of the Plaintiffs and their desires in Paragraph 7 of the Complaint; thus they are
7 deemed denied. Proposed Intervenors deny the remaining allegations in Paragraph 7 of the
8 Complaint.

9 8. Proposed Intervenors acknowledge that Plaintiffs seek declaratory and injunctive
10 relief, attorneys' fees, costs, and expenses in Paragraph 8 of the Complaint, but deny that Plaintiffs
11 are entitled to, or that this Court has jurisdiction to grant, the relief requested.

12 9. Proposed Intervenors lack sufficient information to respond to the allegations in
13 Paragraph 9 of the Complaint; thus they are deemed denied.

14 10. Proposed Intervenors lack sufficient information to respond to the allegations in
15 Paragraph 10 of the Complaint; thus they are deemed denied.

16 11. Proposed Intervenors lack sufficient information to respond to the allegations in
17 Paragraph 11 of the Complaint; thus they are deemed denied.

18 12. Proposed Intervenors lack sufficient information to respond to the allegations in
19 Paragraph 12 of the Complaint; thus they are deemed denied.

20 13. Proposed Intervenors lack sufficient information to respond to the allegations in
21 Paragraph 13 of the Complaint; thus they are deemed denied.

22 14. Proposed Intervenors lack sufficient information to respond to the allegations in
23 Paragraph 14 of the Complaint; thus they are deemed denied.

24 15. Proposed Intervenors lack sufficient information to respond to the allegations in
25 Paragraph 15 of the Complaint; thus they are deemed denied.

26 16. Proposed Intervenors lack sufficient information to respond to the allegations in

1 Paragraph 16 of the Complaint; thus they are deemed denied.

2 17. Proposed Intervenors lack sufficient information to respond to the allegations in
3 Paragraph 17 of the Complaint; thus they are deemed denied.

4 18. Proposed Intervenors lack sufficient information to respond to the allegations in
5 Paragraph 18 of the Complaint; thus they are deemed denied.

6 19. Proposed Intervenors acknowledge that Plaintiffs, as stated in Paragraph 19 of the
7 Complaint, have asserted claims against Defendants Arnold Schwarzenegger, Edmund G. Brown,
8 Jr., Mark B. Horton, Linette Scott, Patrick O'Connell, and Dean C. Logan, but Proposed
9 Intervenors deny that Plaintiffs are entitled to any remedy or relief against those Defendants.
10 Proposed Intervenors deny the remaining allegations in Paragraph 19 of the Complaint.

11 20. The allegations in Paragraph 20 of the Complaint contain conclusions of law which
12 require no answer. Proposed Intervenors lack sufficient information to respond to any factual
13 allegations in Paragraph 20 of the Complaint; thus they are deemed denied.

14 21. The allegations in Paragraph 21 of the Complaint contain conclusions of law which
15 require no answer. Proposed Intervenors lack sufficient information to respond to any factual
16 allegations in Paragraph 21 of the Complaint; thus they are deemed denied.

17 22. Proposed Intervenors admit that California has laws recognizing "domestic
18 partnerships." Proposed Intervenors lack sufficient information to respond to the remaining
19 allegations in Paragraph 22 of the Complaint; thus they are deemed denied.

20 23. Proposed Intervenors admit that California law provides many benefits and
21 privileges to persons registered as "domestic partners." Proposed Intervenors deny the remaining
22 allegations in Paragraph 23 of the Complaint.

23 24. Proposed Intervenors deny the allegations in Paragraph 24 of the Complaint except
24 to admit that Proposition 22 was approved by a majority of California voters in 2000 and that
25 Proposition 22 provided that "[o]nly marriage between a man and a woman is valid or recognized in
26 California." Cal. Fam. Code. § 308.5.

1 25. Proposed Intervenors deny the allegations in Paragraph 25 of the Complaint except
2 to admit that Proposition 8 appeared on California's November 2008 ballot.

3 26. Proposed Intervenors admit the allegations in Paragraph 26 of the Complaint.

4 27. Proposed Intervenors deny the allegations in Paragraph 27 regarding the purpose of
5 Proposition 8. Proposed Intervenors lack sufficient information to respond to the remaining
6 allegations in Paragraph 27; thus they are deemed denied.

7 28. Proposed Intervenors admit the allegations in Paragraph 28 of the Complaint.

8 29. The allegations in Paragraph 29 of the Complaint contain conclusions of law which
9 require no answer. Proposed Intervenors deny any factual allegations in Paragraph 29 of the
10 Complaint.

11 30. The allegations in Paragraph 30 of the Complaint contain conclusions of law which
12 require no answer. Proposed Intervenors deny any factual allegations in Paragraph 30 of the
13 Complaint.

14 31. Proposed Intervenors lack sufficient information to respond to the allegations about
15 the identities of the Plaintiffs and their desires in Paragraph 31 of the Complaint; thus they are
16 deemed denied. Proposed Intervenors deny the remaining allegations in Paragraph 31 of the
17 Complaint.

18 32. Proposed Intervenors lack sufficient information to respond to the allegations in
19 Paragraph 32 of the Complaint; thus they are deemed denied.

20 33. Proposed Intervenors lack sufficient information to respond to the allegations in
21 Paragraph 33 of the Complaint; thus they are deemed denied.

22 34. Proposed Intervenors lack sufficient information to respond to the allegations about
23 the Plaintiffs' wishes in Paragraph 34 of the Complaint; thus they are deemed denied. Proposed
24 Intervenors deny the remaining allegations in Paragraph 34 of the Complaint.

25 35. Proposed Intervenors deny the allegations in Paragraph 35 of the Complaint except
26 to admit that the Supreme Court of the United States wrote in *Loving v. Virginia*, 388 U.S. 1, 12

1 (1967), that “freedom to marry has long been recognized as one of the vital personal rights essential
2 to the orderly pursuit of happiness by free men.”

3 36. Proposed Intervenors deny the allegations in Paragraph 36 of the Complaint.

4 37. Proposed Intervenors deny the allegations in Paragraph 37 of the Complaint.

5 38. Proposed Intervenors deny the allegations in Paragraph 38 of the Complaint.

6 39. Proposed Intervenors deny the allegations in Paragraph 39 of the Complaint.

7 40. Proposed Intervenors deny the allegations in Paragraph 40 of the Complaint.

8 41. Proposed Intervenors deny the allegations in Paragraph 41 of the Complaint.

9 42. Proposed Intervenors deny the allegations in Paragraph 42 of the Complaint.

10 43. Proposed Intervenors deny the allegations in Paragraph 43 of the Complaint.

11 44. Proposed Intervenors deny the allegations in Paragraph 44 of the Complaint.

12 45. Proposed Intervenors deny the allegations in Paragraph 45 of the Complaint.

13 46. Proposed Intervenors deny the allegations in Paragraph 46 of the Complaint.

14 47. Proposed Intervenors deny the allegations in Paragraph 47 of the Complaint.

15 48. Proposed Intervenors deny the allegations in Paragraph 48 of the Complaint.

16 49. Proposed Intervenors deny the allegations in Paragraph 49 of the Complaint.

17 50. The remainder of the Complaint is a prayer for relief that does not require a
18 response. To the extent that a response is required, Proposed Intervenors deny that Plaintiffs are
19 entitled to, or that this Court has jurisdiction to grant, the relief requested.

20 51. Proposed Intervenors deny each and every allegation not expressly admitted herein.

21 **First Affirmative Defense**

22 Plaintiffs have failed to state a claim upon which relief can be granted.

23 **Second Affirmative Defense**

24 Plaintiffs lack standing to assert the claims in their Complaint.

25 **Third Affirmative Defense**

26 Plaintiffs’ claims are barred by *res judicata* and/or preclusion.

1 **Fourth Affirmative Defense**

2 Defendants are immune from suit.

3 **Fifth Affirmative Defense**

4 Defendants' acts were not the proximate cause of Plaintiffs' alleged injuries.

5 **Sixth Affirmative Defense**

6 Neither the challenged provisions nor Defendants have deprived Plaintiffs of any right or
7 privilege guaranteed by the United States Constitution.

8 WHEREFORE, Proposed Intervenors respectfully request that this Court dismiss Plaintiffs'
9 claims with prejudice, deny Plaintiffs' prayer for relief, order Plaintiffs to pay Proposed
10 Intervenors' costs and attorneys' fees, and grant other relief deemed just and proper.

11 Dated: May 28, 2009

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13 ALLIANCE DEFENSE FUND

14 ATTORNEYS FOR PROPOSED INTERVENORS DENNIS
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18 8, A PROJECT OF CALIFORNIA RENEWAL

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By: s/Timothy Chandler _____
Timothy Chandler