Case No. S147999

IN THE SUPREME COURT OF CALIFORNIA

In re MARRIAGE CASES

Judicial Council Coordination Proceeding No. 4365

After a Decision of the Court of Appeal
First Appellate District, Division Three
Nos. A110449, A110450, A110463, A110651, A110652
San Francisco Superior Court No. BC088506
Honorable Richard A. Kramer, Judge

REPLY OF THE TYLER-OLSON PETITIONERS TO THE ANSWER BRIEFS OF THE RESPONDENTS

GLORIA ALLRED, Bar No. 65053
MICHAEL MAROKO, Bar No. 62013
JOHN S. WEST, Bar No. 102034
ALLRED, MAROKO & GOLDBERG
6300 Wilshire Boulevard, Suite 1500
Los Angeles, CA 90048
Tel: (323) 653-6530/Fax: (323) 653-1660

Attorneys for Respondents ROBIN TYLER, DIANE OLSON, TROY PERRY, and PHILLIP De BLIECK

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

REPLY BRIEF OF THE TYLER-OLSON PETITIONERS

I. INTRODUCTION

The Tyler-Olson Petitioners have filed their own Opening Brief before the Supreme Court in this important case. Since then, there has been a plethora of superb briefing on the Petitioners' side. It would not be productive for the Tyler-Olson parties to repeat or repackage what has been so thoroughly and eloquently briefed by the other Petitioners (City of San Francisco, Equality California, and the Woo Parties). The Tyler Olson Petitioners join in that briefing, and have filed this Reply in order to raise additional and/or different points.

First, the Tyler-Olson Petitioners emphasize numerous concessions by the State which, taken together, show that the Court of Appeal applied the wrong constitutional standard (rational review) to the marriage statutes. Second, the Tyler-Olson parties point out that the State's arguments that the marriage statutes are not the product of any intent to discriminate against homosexuals are, to say the least, contrary to common sense and history. Finally, it will be shown that the State's arguments regarding equality due to the Domestic Partnership Act miss a crucial point that has been recognized by the United States Supreme Court, in the Courts of this state, and in other States, namely, that there are vital, constitutionally protected, aspects of marriage which can only be afforded by permitting same gender couples to marry.

II. ARGUMENT

A. VARIOUS CONCESSIONS BY THE STATE ESTABLISH THAT THE COURT OF APPEAL ERRONEOUSLY APPLIED RATIONAL REVIEW TO THE MARRIAGE STATUTES

It is beyond dispute that all of the parties view the issues before the

Supreme Court as important, although they obviously disagree vehemently over how the Court should rule. Even in the face of that disagreement, however, the State of California (the "State") has been compelled to concede a number of points that are central to the Petitioners' arguments against the constitutionality of the marriage statutes.

The parties vigorously dispute the standard of review to be applied to the existing marriage statutes. Recall that the Court of Appeal in In re Marriage Cases, 49 Cal.Rptr.3d 675, 709 -710 (2006) used a rational review standard in upholding the constitutionality of the marriage laws. All of the Petitioners contend that strict scrutiny should be applied, and the State argues, among other things, that the Court of Appeal was correct in applying rational review.

In its Answer Brief ("AB State"), the State "does not contest" that homosexuality is an immutable trait. AB State at page 25. According to the Court of Appeal in this case, rational review was appropriate because homosexuality has not been declared a suspect class, and the record did not contain "evidence" on whether homosexuality is an immutable trait. Thus, the State has now conceded the invalidity of the premise upon which the Court of Appeal chose to apply rational review.

Moreover, the admission that homosexuality is an immutable trait brings this matter into one of the alternative groups that the United States Supreme Court has declared to be deserving of heightened scrutiny. In Bowen v. Gilliard, 483 U.S. 587, 602-603, 107 S.Ct. 3008, 3018 (1987), the Supreme Court described those groups as those which "exhibit obvious, immutable, or distinguishing characteristics that define them as a discrete group."

To its credit, the State also concedes the historical (and ongoing) prejudice

and discrimination directed against homosexuals. "There can be little doubt that gay men and lesbians constitute a minority group that is subject to prejudice, both as a matter of history and as a contemporary reality." AB State at 42. Yet the State goes on to argue that because certain legislative and political progress has been made by homosexuals, they are not the sort of discrete and insular minority that merits strict constitutional scrutiny of the impact of the marriage laws upon them. The State's arguments against "suspect class" treatment are, aside from those relating to remedial statutes, entirely anecdotal.

More importantly, the State's anecdotal arguments against "suspect class" status, and the strict scrutiny which would follow, ignore the views of the California Supreme Court in Gay Law Students Assn. v. Pacific Tel. & Tel. Co., 24 Cal.3d 458, 488, 156 Cal.Rptr. 14, 32 (1979). In that case, the Supreme Court declared: "The aims of the struggle for homosexual rights, and the tactics employed, bear a close analogy to the continuing struggle for civil rights waged by blacks, women, and other minorities." Surely the State cannot argue that progress made by blacks, women and other minorities should automatically be deemed to strip them of status as discrete and insular minorities for equal protection purposes. Likewise, the progress made by the gay and lesbian communities should not automatically strip them of review of discriminatory statutes under a standard of heightened scrutiny.

The State concedes, as it must, that the right to marry (putting aside differences over its scope), is fundamental and even "unique." AB State at 60. As noted above, the State also conceded that homosexuality is an immutable trait, thus triggering heightened scrutiny. Having made those concessions, albeit necessary ones, the State must, in order to avoid strict scrutiny of the marriage laws, find a

way around the opinion of the California Supreme Court in Sail'er Inn, Inc. v. Kirby, 5 Cal.3d 1 (1971). In that case, the California Supreme Court held that "in cases involving 'suspect classifications' or touching on 'fundamental interests,' the court has adopted an attitude of active and critical analysis, subjecting the classification to strict scrutiny. [Citations.] Under the strict standard applied in such cases, the state bears the burden of establishing not only that it has a *compelling* interest which justifies the law but that the distinctions drawn by the law, are *necessary* to further its purpose." (Emphasis added).

While struggling mightily to explain Sail'er Inn away (e.g., it was decided "[d]uring this period when equal protection standards were in flux" AB State at 27), the State ignores the fact that the case remains good law. In Warden v. State Bar, 21 Cal.4th 628, 643, 88 Cal.Rptr.2d 283, 293 (1999), for example, the California Supreme Court cited Sail'er Inn in affirming "that '[a] more stringent test is applied ... in cases involving "suspect classifications" or touching on "fundamental interests. Here the courts adopt "an attitude of active and critical analysis, subjecting the classifications to strict scrutiny. [Citations.] Under the strict standard applied in such cases, *the state* bears the burden of establishing not only that it has a *compelling* interest which justifies the law but that the distinctions drawn by the law are necessary to further its purpose." [Citation.].'" 21 Cal.4th at 641, 88 Cal.Rptr.2d at 292." (see footnote [1]) 21 Cal.4th at 641, 88

[1] In doing so, the Supreme Court cited Sail'er Inn as follows: "[T]hose cases 'invariably involved a classification drawn along lines which rendered it "suspect" in constitutional terms.' (See, e.g., *Raffaelli v. Committee of Bar Examiners* (1972) 7 Cal.3d 288, 291-294, 101 Cal.Rptr. 896, 496 P.2d 1264 [discrimination based on alienage]; *Sail'er Inn v. Kirby* (1971) 5 Cal.3d 1, 16-20, 95 Cal.Rptr. 329, 485 P.2d 529 [discrimination based on gender]; *Supreme Court of New Hampshire v. Piper* (1985) 470 U.S. 274, 284-288, 105 S.Ct. 1272, 84 L.Ed.2d 205 [discrimination against nonresident].)" 21 Cal.4th at 641, 88 Cal.Rptr.2d at 292.

Cal.Rptr.2d at 292. The Supreme Court went on to cite Sail'er Inn as supporting strict scrutiny as follows: "[T]hose cases 'invariably involved a classification drawn along lines which rendered it "suspect" in constitutional terms.' (See...*Sail'er Inn v. Kirby* (1971) 5 Cal.3d 1, 16-20, 95 Cal.Rptr. 329, 485 P.2d 529 [discrimination based on gender]...)" 21 Cal.4th at 641, 88 Cal.Rptr.2d at 292. More recently, in Connerly v. State Personnel Bd., 92 Cal.App.4th 16, 32-3, 112 Cal.Rptr.2d 5, 19-20 (2001), the Supreme Court used the same test: "Legislative classification is the act of specifying who will and who will not come within the operation of a particular law. (Citations omitted). A legislative classification satisfies equal protection of law so long as persons similarly situated with respect to the legitimate purpose of the law receive like treatment. (Citation omitted). Legislative classifications generally are entitled to judicial deference, are presumptively valid, and may not be rejected by the courts unless they are palpably unreasonable. (Citations omitted). However, judicial deference does not extend to laws that employ suspect classifications, such as race. Because suspect classifications are pernicious and are so rarely relevant to a legitimate governmental purpose (citation omitted), they are subjected to strict judicial scrutiny; i.e., they may be upheld only if they are shown to be necessary for furtherance of a compelling state interest and they address that interest through the least restrictive means available."

Given the authorities which show that strict scrutiny should have been applied, it is perhaps not surprising that the State concedes that "[s]ome could reasonably conclude that special considerations should govern the choice of a standard in this case." AB State at 41. But that concession is tantamount to an acknowledgment that the Court of Appeal erred in its analysis of the standard of

constitutional review to be applied to the marriage statutes.

B. THE MARRIAGE STATUTES ARE THE PRODUCT OF AN INTENT TO DISCRIMINATE, AND THEREFORE CANNOT SUPPORT A LEGITIMATE STATE PURPOSE

The State admits that "right to marriage precedents have been described as 'murky.'" AB State at 57. Likewise, the State concedes that impact of the current marriage laws falls "virtually exclusively" upon homosexuals (AB State at 23). It even concedes that "gays and lesbians constitute a minority group that is subject to prejudice, both as a matter of history and as a contemporary reality." (AB State at 42). Yet, despite all of that, the State argues that the marriage statutes are not and have not been intended to discriminate on the basis of sexual orientation. AB State at 23.

The State has ignored a crucial historical fact that must permeate any discussion of the roots of the marriage statutes in California. That fact, of course, is that homosexuality was a crime, and a serious one, when the prior iterations of the various marriage statutes were adopted. Consider the following passage from a 1919 California case: "Defendant was prosecuted under section 286 of the Penal Code, which reads as follows: 'Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the state prison not less than five years.' 'The section does not define the crime, nor state in what it consists, but denominates it "the infamous crime against nature." At common law, the crime attempted to be charged was called sodomy. * * * The crime is now, and has been since the days of Blackstone, designated by law writers and judges as "the infamous crime against nature" [citing cases], and it is so designated in the Penal Code.... 'Every person of ordinary intelligence understands what the crime against nature with a human

being is.'" Ex parte Rankin, 42 Cal. App., 230, 231 (1919).

Fast forward to 1975. In that year, the Court of Appeal made the following pronouncements: "The commission of certain homosexual acts is a criminal offense in California (Pen.Code, ss 286, 288a), albeit an offense not readily susceptible to criminal prosecution. The fact that in certain respects enforcement of the criminal law against the private commission of homosexual acts may be inappropriate and may be approaching desuetude, if such is the case, does not argue that society accepts homosexuality as a pattern to which children should be exposed in their most formative and impressionable years or as an example that should be put before them for emulation. In exercising a choice between homosexual and heterosexual households for purposes of child custody a trial court could conclude that permanent residence in a homosexual household would be detrimental to the children and contrary to their best interests. Chaffin v. Frye, 45 Cal.App.3d 39, 47, 119 Cal.Rptr. 22, 26 (1975).

Definitions of marriage which originate from times when homosexual conduct was a crime, and when homosexuals were seen as de facto harmful to children, cannot be separated from the sentiments of those times. Can any party honestly say that the drafters of marital legislation, the legislators who passed those laws, and the voters who put those legislators in office did not care if homosexuals married? The plain truth is that marriage is defined in the marriage statutes in order to prevent homosexual marriage. Even the Court of Appeal that ruled against the Petitioners recognized this truth: "If anything, relevant legislative history and voter materials suggest the intent was to single out same-sex couples for disparate treatment." In re Marriage Cases, 49 Cal.Rptr.3d at 708. This is true notwithstanding the de-criminalization of homosexual conduct. That de-

criminalization does not, of course, mark the end of prejudice. Now, however, prejudice goes by the name of "tradition." Thus, assuming that discriminatory intent is required in order to trigger an equal protection or other constitutional violation, it is certainly present here.

C. THE STATE INCORRECTLY ARGUES THAT THE DOMESTIC PARTNERSHIP ACT PROVIDES THE SAME RIGHTS AS MARRIAGE. THAT ARGUMENT IGNORES THE PERSONAL DIGNITY ATTRIBUTES OF MARRIAGE WHICH CAN ONLY BE ENJOYED BY AFFORDING SAME SEX COUPLES THE RIGHT TO MARRY

The State argues that the marriage statutes should be upheld because "whatever rights can be said to be guaranteed for a man and a woman by the state Constitution's due process clause under the rubric 'right to marry' can now be enjoyed by persons of the same sex in the right to join together as domestic partners." (AB State at 62). That assertion is consistent with the erroneous view of the Court of Appeal that civil marriage is "entirely a creature of statutory law." In re Marriage Cases, 49 Cal.Rptr.3d at 692.

The institution confers an important and unique status which is beyond the Legislature's province to restrict. In Turner v. Safley, 482 U.S. 78, 107 S.Ct. 2254, 96 L.Ed.2d 64 (1987), the United States Supreme Court recognized that marriage constitutes far more than a simple statutory definition when it held unconstitutional a restriction on the right of prisoners to marry because, among other things, that restriction deprived prisoners of the "expressions of emotional support and public commitment" which were "an important and significant aspect of the marital relationship." 482 U.S. at pp. 95-96, 107 S.Ct. 2254.

As long ago as 1988, the California Supreme Court recognized the special attributes of marriage (albeit in the traditional male-female setting) that cannot be legislatively reproduced. "Spouses receive special consideration from the state, for marriage is a civil contract 'of so solemn and binding a nature ... that the consent of the parties alone will not constitute marriage ... the consent of the state is also required'" Elden v. Sheldon, 46 Cal.3d 267, 274, 250 Cal.Rptr. 254, 258 (1988).

Other states have also recognized that crucial aspects of marriage cannot be duplicated outside of marriage itself: In Goodridge v. Department of Public Health, 440 Mass. 309, 322, 798 N.E.2d 941,954 – 955 (2003), the Massachusetts Supreme Court held:

> "Marriage also bestows enormous private and social advantages on those who choose to marry. Civil marriage is at once a deeply personal commitment to another human being and a highly public celebration of the ideals of mutuality, companionship, intimacy, fidelity, and family. 'It is an association that promotes a way of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects.' *Griswold v. Connecticut*, 381 U.S. 479, 486, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965). Because it fulfils yearnings for security, safe haven, and connection that express our common humanity, civil marriage is an esteemed institution, and the decision whether and whom to marry is among life's momentous acts of self-definition. Tangible as well as intangible benefits flow from marriage."

To the same effect is the following holding from the Supreme Court of New Jersey:

"We are mindful that in the cultural clash over same-sex marriage, the word marriage itself-independent of the rights and benefits of marriage-has an evocative and important meaning to both parties." Lewis v. Harris, 188 N.J. 415, 458, 908 A.2d 196, 221 (2006).

In his dissent in In re Marriage Cases, 49 Cal.Rptr.3d 675, 736 (2006), Justice Kline expressed what the petitioners seek as eloquently as possible. It is fitting for him to have the last word:

"The marital relationship is within the zone of autonomy protected by the right of privacy not just because of the profound nature of the attachment and commitment that marriage represents, the material benefits it provides, and the social ordering it furthers, but also because the decision to marry represents one of the most self-defining decisions an individual can make. "When two people marry ... they express themselves more eloquently, tell us more about who they are and who they hope to be, than they ever could do by wearing armbands or carrying red flags." (Karst, *The Freedom of Intimate Association, supra*, 89 Yale L.J. at p. 654.) There is no reason to think this less true for gay men and lesbians who wish to marry same-sex partners. The assertion that denial to gay men and lesbians of the right to marry does not deprive them of a constitutionally significant expressive interest (maj. opn., ante, at p. 718), cannot be squared with the view of the Supreme Court. In *Turner v. Safley* (1987) 482 U.S. 78, 107 S.Ct. 2254, 96 L.Ed.2d 64 (*Turner*), the high court struck a restriction on the right of prison inmates to marry because, among other things, it deprived prisoners the "expressions

of emotional support and public commitment" the court considered "an important and significant aspect of the marital relationship." (*Turner, supra*, 482 U.S. at pp. 95-96, 107 S.Ct. 2254; see also Cruz, "*Just Don't Call It Marriage*": *The First Amendment and Marriage as an Expressive Resource* (2001) 74 So.Cal. L.Rev. 925.) The understanding that privacy protects a constitutionally significant expressive interest was communicated to the voters who enacted the Privacy Initiative, who were told that the right protected "'our expressions, our personalities, our freedom of communion, and our freedom to associate with the people we choose.' " (*Robbins v. Superior Court, supra*, 38 Cal.3d at p. 213, 211 Cal.Rptr. 398, 695 P.2d 695.)"

III. CONCLUSION

For all of the foregoing reasons, the Tyler-Olson Petitioners urge the Supreme Court to hold that the marriage statutes are unconstitutional.

DATED: August 17, 2007

ALLRED, MAROKO & GOLDBERG
GLORIA ALLRED
MICHAEL MAROKO
JOHN S. WEST

GLORIA ALLRED
Attorneys for Petitioners ROBIN TYLER, DIANE OLSON, TROY PERRY, and PHILLIP De BLIECK

CERTIFICATE OF WORD COUNT PURSUANT TO RULE 14(c)(1)

Pursuant to California Rule of Court 8.520, counsel for the Tyler Olson Petitioners hereby certifies that the number of words contained in the foregoing Reply Brief on the Merits, including footnotes by excluding the Table of Contents, Table of Authorities, and this Certificate, is 3,326 words, as calculated using the word count feature of the computer program used to prepare the brief.

DATED: August 17, 2007

ALLRED, MAROKO & GOLDBERG
GLORIA ALLRED
MICHAEL MAROKO
JOHN S. WEST

GLORIA ALLRED
Attorneys for Petitioners ROBIN TYLER, DIANE OLSON, TROY PERRY, and PHILLIP De BLIECK

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 6300 Wilshire Boulevard, Suite 1500, Los Angeles, California 90048.

On **August 17, 2007**, I served the foregoing document described as **REPLY OF THE TYLER-OLSON PETITIONERS TO THE ANSWER BRIEFS OF THE RESPONDENTS** on the interested parties in this action

[X] by placing [ ] the original [X] a true copy thereof enclosed in a sealed envelope addressed **as indicated on the attached Mailing List**

[X] **BY MAIL:** I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

[ ] **BY PERSONAL SERVICE:** I caused such envelope to be hand-delivered to the offices of the addressee(s).

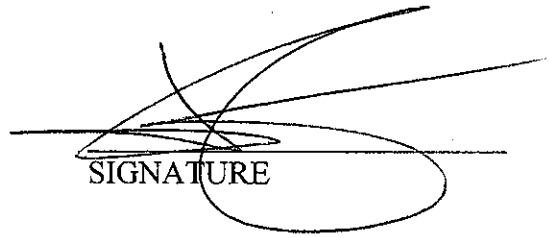
[ ] **BY FAX**: by transmitting a true copy via facsimile transmission from telecopier number (323) 653-1660 located at 6300 Wilshire Blvd., Ste. 1500, Los Angeles, California 90048, to the following:

Executed on August 17, 2007, at Los Angeles, California.

[X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service is made.

Jennifer Shuemaker



SIGNATURE

SERVICE LIST

Christopher E. Krueger Louis Muro STATE OF CALIFORNIA, DEPT. OF JUSTICE OFFICE OF THE ATTORNEY GENERAL 1300 I Street, Suite 125 Sacramento, CA 95814 Tel: 916-445-7385 Fax: 916-324-5567 *Counsel for the State of California, Attorney General Bill Lockyer, and Michael Rodrian, State Registrar of Vital Services*	Robert H. Tyler ADVOCATES FOR FAITH AND FREEDOM 24910 Las Brisas Road, Suite 110 Murrieta, CA 92562 Tel: 951-304-7583 Fax: 951-600-4996 *Counsel for Proposition 22 Legal Defense and Education Fund*
Benjamin W. Bull Glen Lavy Christopher R. Stoval Dale Schowengert ALLIANCE DEFENSE FUND 15333 North Pima Road, Suite 165 Scottsdale, AZ 85260 Tel: 480-444-0020 Fax: 480-444-0028 *Counsel for Proposition 22 Legal Defense and Education Fund*	Terry L. Thompson LAW OFFICES OF TERRY L. THOMPSON 199 East Linda Mesa, Suite 10 Danville, CA 94526 Tel: 925-855-1507 Fax: 925-820-6034 *Counsel for Proposition 22 Legal Defense and Education Fund*
Vincent P. McCarthy CENTER FOR MARRIAGE LAW 8 South Main Street New Milford, CT 06776 Tel: 860-210-1182 Fax: 860-355-8008 *Counsel for Proposition 22 Legal Defense and Education Fund*	Andrew P. Pugno Timothy D. Chandler Law Offices of Andrew P. Pugno 101 Parkshore Drive, Suite 100 Folsom, CA 95630-4726 Tel: 916-608-3065 Fax: 916-608-3066 *Counsel for Proposition 22 Legal Defense and Education Fund*

Rena M. Lindevaldsen Mary E. McAlister LIBERTY COUNSEL 100 Mountain View Road Suite 2775 Lynchburg, VA 24502-2272 Tel: 434-592-3369 Fax: 434-582-7019 *Counsel for Randy Thomasson and Campaign for California Families*	Matthew D. Staver LIBERTY COUNSEL 1055 Maitland Center Commons Second Floor Maitland, FL 32751-7214 Tel: 800-671-1776 Fax: 407-875-0770 *Counsel for Randy Thomasson and Campaign for California Families*
Ross S. Heckmann ATTORNEY AT LAW 1214 Valencia Way Arcadia, CA 91006 Tel: 626-256-4664 Fax: 626-256-4774 *Counsel for Randy Thomasson and Campaign for California Families*	Raymond G. Fortner Judy W. Whitehurst 648 Kenneth Hahn Hall of Administration 500 W. Temple Street Los Angeles, CA 90012-2713 Tel: 213-974-8948 Fax: 213-626-2105 *Counsel for County of Los Angeles*
** Tamara Lange Alan L. Schlosser ACLU FOUNDATION OF NORTHERN CALIFORNIA 1663 Mission Street, Suite 460 San Francisco, CA 94103 Tel: 415-621-2493 Fax: 415-255-1478	** Stephen V. Bomse Richard Denatale Scott A. Westrich Hilary E. Ware Ryan R. Tacorda HELLER EHRMAN WHITE & MCAULIFFE LLP 333 Bush Street San Francisco, CA 91401-2878 Tel: 415-772-6000 Fax: 415-772-6268
** Jon W. Davidson Jennifer C. Pizer LAMBDA LEGAL DEFENSE AND EDUCATION FUND 3325 Wilshire Blvd., Suite 1300 Los Angeles, CA 90010 Tel: 213-382-7600 Fax: 213-351-6063	** Shannon Minter Courtney Joslin NATIONAL CENTER FOR LESBIAN RIGHTS 870 Market Street, Suite 570 San Francisco, CA 94014 Tel: 415-392-6257 Fax: 415-392-8442

** David C. Codell Aimee Dudovitz LAW OFFICE OF DAVID C. CODELL 9200 Sunset Boulevard, Penthouse Two Los Angeles, CA 90069 Tel: 310-273-0306 - Fax: 310-273-0307	** Martha A. Matthews ACLU OF SOUTHERN CALIFORNIA 1616 Beverly Boulevard Los Angeles, CA 90026 Tel: 213/977-9500 Fax: 213/250-3919
** Dena L. Narbaitz Clyde J. Wadsworth STEEFEL, LEVITT & WEISS A Professional Corporation One Embarcadero Center, 30th Floor San Francisco, CA 94111 Tel: 415-788-090 Fax: 415-788-2019	** *Counsel for Petitioners/Plaintiffs:* *Lancy Woo and Christy Chung, Joshua Rymer and Tim Frazer, Jewell Gomez and Diane Sabin, Myra Beals and Ida Matson, Arthur Frederick Adams and Devin Wayne Baker, Jeanne Rizzo and Pali Cooper, Our Family Coalition, and Equality California*
Bobbie J. Wilson Pamela K. Fulmer Amy E. Margolin Sarah M. King HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN Three Embarcadero Center, 7th Floor San Francisco, CA 94111-4024 Tel: 415-434-1600 Fax: 415-217-5910 *Counsel for the City and County of San Francisco*	Waukeen Q. McCoy LAW OFFICES OF WAUKEEN Q. MCCOY 703 Market Street San Francisco, CA 94103 Tel: 415-675-7705 Fax: 415-675-2530 *Counsel for Proposed Intervenors Bernan, et al.*

Victor M. Marguez Oliver Gutierrez THE MARGUEZ LAW GROUP, LLP 250 Montgomery Street, Suite 1100 San Francisco, CA 94104 Tel: 415-773-0242 Fax: 415-773-0261 *Counsel for Amicus Curiae San Francisco La Raza Lawyers Association*	Dennis J. Herrera, Therese Stewart Ellen Forman, Wayne K. Snodgrass K. Scott Dickey, Kathleen S. Morris, Sherri Sokeland Kaiser CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE CITY ATTORNEY 1 Dr. Carlton B. Goodlett Place, Room 234 San Francisco, CA 94102-5408 Tel: 415-554-4700 Fax: 415-554-4747 *Counsel for the City and County of San Francisco*
Honorable James L. Warren SAN FRANCISCO SUPERIOR COURT 400 McAllister Street, Dept. 301 San Francisco, CA 94102-4514	Honorable Ronald E. Quidachay SAN FRANCISCO SUPERIOR COURT 400 McAllister Street, Dept. 302 San Francisco, CA 94102-4514
Honorable David P. Yaffe LOS ANGELES SUPERIOR COURT 111 North Hill Street, Dept. 86 Los Angeles, CA 90012	Carlotta Tillman Administrative Coordinator JUDICIAL COUNCIL OF CALIFORNIA Administrative Office of the Courts Appellate & Trial Court Judicial Services (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102-3688
Honorable Donna J. Hitchens Presiding Judge SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO 400 McAllister Street, Dept. 206 San Francisco, CA 94102-4514	