

SUPREME COURT COPY

Case No. S168047

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SUPREME COURT
FILED

JAN - 6 2009

Frederick K. Ohlrich Cl

Deputy

KAREN L. STRAUSS, et al.,

Petitioners,

v.

MARK D. HORTON, as State Registrar of Vital Statistics, etc., et al.,

Respondents:

DENNIS HOLLINGSWORTH et al.,

Intervenors.

APPLICATION TO SUBSTITUTE CORRECTED REPLY; DECLARATION OF MARK R. CONRAD IN SUPPORT THEREOF

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TO THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT
OF CALIFORNIA:

Petitioners Karen Strauss and Ruth Borenstein, *et al.* (“Applicants”) hereby respectfully request permission to substitute a corrected version of their Reply in Support of Petition for Extraordinary Relief in this matter. A copy of Applicants’ Corrected Reply in Support of Petition for Extraordinary Relief (“Corrected Reply”) has been lodged with the Court herewith. This application is based on the Declaration of Mark R. Conrad, attached hereto.

The Corrected Reply includes Tables of Contents and Authorities with corrected page references. It also corrects a syntax error appearing in the first sentence of Section I.C.3 and non-substantive typographical and formatting errors. Petitioners believe the corrections, though not substantive, will be of assistance to the Court.

Dated: January 6, 2009

Respectfully submitted,

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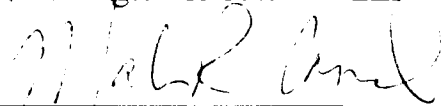
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**DECLARATION OF MARK R. CONRAD IN SUPPORT OF
APPLICATION TO SUBSTITUTE CORRECTED REPLY**

I, MARK R. CONRAD, declare as follows:

1. I am an attorney at law licensed to practice in California. I am an attorney at Munger, Tolles & Olson LLP, counsel of record in this proceeding for Petitioners Karen L. Strauss and Ruth Borenstein, *et al.* (hereinafter "Applicants"). This declaration is submitted in support of the accompanying Application to Substitute Corrected Reply. I have personal and first-hand knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

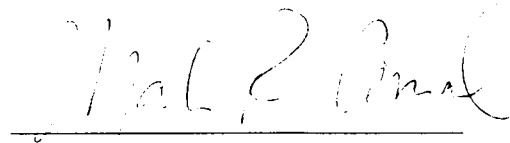
2. I am one of the attorneys primarily responsible for finalizing Applicants' Reply in Support of Petition for Extraordinary Relief and Applicants' Corrected Reply in Support of Petition for Extraordinary Relief ("Corrected Reply").

3. The Corrected Reply includes corrected Tables of Contents and Authorities, with corrected page references.

4. It also corrects a syntax error appearing in the first sentence of Section I.C.3 and non-substantive typographical and formatting errors.

5. I certify that I have delivered a copy of this Application to all of my clients.

I declare under penalty of perjury that the foregoing is true and correct. Executed January 6, 2009, at San Francisco, California.

A handwritten signature in cursive script, appearing to read "Mark R. Conrad", written in black ink. The signature is positioned above a horizontal line.

Mark R. Conrad

PROOF OF SERVICE BY MAIL

I, Lori A. Nichols, declare:

1. I am over the age of 18 and not a party to the within cause.

I am employed by Munger, Tolles & Olson LLP in the County of San Francisco, State of California. My business address is 560 Mission Street, Twenty-Seventh Floor, San Francisco, California 94105-2907 of San Francisco, State of California.

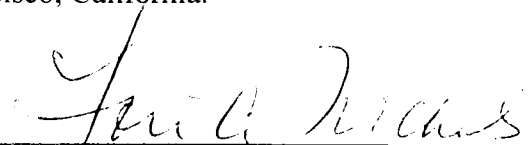
2. On January 6, 2009, I served a true copy of the attached document entitled

**APPLICATION TO SUBSTITUTE CORRECTED
REPLY; DECLARATION OF MARK R. CONRAD
IN SUPPORT THEREOF**

by placing it in addressed sealed envelopes clearly labeled to identify the persons being served at the addresses set forth on the attached service list and placed said envelopes in interoffice mail for collection and deposit with the United States Postal Service at 560 Mission Street, Twenty-Seventh Floor, San Francisco, California, on that same date, following ordinary business practices.

3. I am familiar with Munger, Tolles & Olson LLP's practice for collection and processing correspondence for mailing with the United States Postal Service; in the ordinary course of business, correspondence placed in interoffice mail is deposited with the United States Postal Service with first class postage thereon fully prepaid on the same day it is placed for collection and mailing.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 6, 2009, at San Francisco, California.



Lori A. Nichols

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