

Case Nos. S122865, S122923

IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA

BARBARA LEWIS, *et al.*,
Petitioners,

v.

NANCY ALFARO, as County Clerk etc.,
Respondent.

BILL LOCKYER, Attorney General of the State of California,
Petitioner,

v.

CITY AND COUNTY OF SAN FRANCISCO, *et al.*,
Respondents.

APPLICATION FOR LEAVE TO EXCEED THE PAGE LIMIT FOR
ATTACHMENTS, PURSUANT TO CALIFORNIA RULE OF
COURT 14(d)

RUTH N. BORENSTEIN (BAR NO. 133797)
STUART C. PLUNKETT (BAR NO. 187971)
JOHNATHAN E. MANSFIELD (BAR NO. 214848)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

Attorneys for *Amici Curiae*

TO THE HONORABLE CHIEF JUSTICE RONALD GEORGE
AND THE ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME
COURT:

Amici Curiae Marriage Equality California, Inc. (“MECA”) and Twelve Married, Same-Sex Couples request permission to exceed the limit of 10 pages for attachments imposed by Rule 14(d) of the California Rules of Court. It is not clear that Rule 14(d) applies to submissions in these original proceedings, but in an abundance of caution, *amici* state that good cause exists to exceed that limitation. *Amici* submit herewith 26 pages of statements from the twelve married couples. Each couple has submitted three pages or less to tell the story of their marriage and its importance to them. The couples made a concerted effort to provide short statements highlighting only the background information relevant to the points raised in the brief submitted herewith. As outlined in the application, these statements provide important information regarding the issues the Court has been asked to decide in these proceedings and should therefore be considered even though they comprise more than 10 pages.

Accordingly, *amici* respectfully request that the Court consider the
26 pages of attachments that follow.

Dated: March 25, 2004

RUTH N. BORENSTEIN
STUART C. PLUNKETT
JOHNATHAN E. MANSFIELD
MORRISON & FOERSTER LLP

By: 
Ruth N. Borenstein

Attorneys for the *Amici Curiae*

Case Nos. S122865, S122923

IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA

BARBARA LEWIS, *et al.*,
Petitioners,

v.

NANCY ALFARO, as County Clerk etc.,
Respondent.

BILL LOCKYER, Attorney General of the State of California,
Petitioner,

v.

CITY AND COUNTY OF SAN FRANCISCO, *et al.*,
Respondents.

ATTACHMENTS:
PERSONAL STATEMENTS OF *AMICI CURIAE*

RUTH N. BORENSTEIN (BAR NO. 133797)
STUART C. PLUNKETT (BAR NO. 187971)
JOHNATHAN E. MANSFIELD (BAR NO. 214848)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

Attorneys for Amici Curiae

ATTACHMENTS: PERSONAL STATEMENTS OF *AMICI CURIAE*

A.	Amy Brown and Lisa White Personal Statement	PS 1
B.	Robyn Caruso and Karen Parker Personal Statement.....	PS 3
C.	David Ellenberg and Cuauhtémoc Andrade Personal Statement.....	PS 5
D.	Chris Elwell and Kory Odell Personal Statement.....	PS 7
E.	Stuart Gaffney and John Lewis Personal Statement	PS 9
F.	Tim Hartley and Jason Lyon Personal Statement	PS 10
G.	Douglas Okun and Eric Ethington Personal Statement.....	PS 12
H.	Fernando Orlandi and William Wilson Personal Statement.....	PS 16
I.	Pamela Postrel and Mindy Blum Personal Statement.....	PS 17
J.	Amy J. Shore and Sherri A. Rybak Personal Statement.....	PS 20
K.	Amy Silverstein and Angela Padilla Personal Statement.....	PS 22
L.	Mily Trabing and Susan Thomas Personal Statement.....	PS 24

Amy Brown and Lisa White

March 24, 2004

On February 13, 2004, Amy Brown, my partner of 11 years, and I were married in San Francisco City Hall. We stood in line that evening for four and a half hours with a few friends and several hundred friendly strangers.

When I left work that Friday afternoon, I told two of my colleagues that I had been summoned home for an unexpected wedding – my own. I was feeling a little uncertain about the spontaneity of such a momentous event and yet it seemed that the opportunity to be legally wed was too great to ignore. My closest work associate, another middle school teacher, was so enthusiastic when I told her that my sweetie had popped the question, that she leapt from her desk and nearly knocked me over with a hug. She rushed me out the door and made me promise to call the next day.

When I returned to school after my wedding, I shared the news with several other teachers, and within a day or two they informed me that they wanted to host a “wedding shower” to celebrate with me. For a moment it just seemed like too much focus and significantly more attention than I wanted. And yet I DID want it.

I wanted it for me and for my very beloved spouse; I wanted it for people who might not know that they know, and like, a lesbian; I wanted it so that anyone who knew me would know that the latest top story in the news each night affected someone personally known to them. I felt like this newfound equality was only valid if I exercised it. Well, I thought, this is how newlyweds feel.

On the day of my wedding shower in the staff room, I walked into a room that looked a little more festive than usual. There was a tablecloth and an enormous table full of vegetarian food. There were flowers, a bouquet of lavender balloons and an arrangement with a gift tag that read, “To the Legally Married Woman.” There were cards and gifts and a hand-painted sign that read “My Big, Fat Legal Wedding.” The music teacher signed one of the cards with her congratulations; the next day she brought her 10-month-old daughter to visit me. She knows how I enjoy singing and dancing with the baby, so I wondered if maybe this wasn’t a gesture of approval and acceptance. The P.E. teacher signed the card, “Way to go, Lisa,” as if I, at long last, was an honest woman and had taken the plunge. I was speechless and touched beyond belief at the outpouring of love and support. I felt a lump in my throat and tightness in my chest. I couldn’t eat a bite. I just posed for pictures and smiled and laughed and touched every card and ribbon and flower.

When the recess bell rang, we all started to head back to our classes. One of the teachers rolled up my “big, fat” banner and grabbed an armload of cards and gifts. My superintendent picked up two different arrangements and the balloon bouquet and as we walked out the door, he thanked me for the opportunity to participate in this historic event

and wished me well. That night I drove home with a car full of flowers, gifts, cards and lavender balloons to share with Amy.

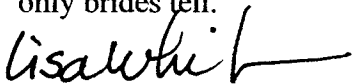
To have one's relationship publicly acknowledged seems like a simple human right; but I, like so many others in gay and lesbian relationships, had learned to live with something different, something more private, certainly less public. I didn't realize how unprepared I was for public acknowledgement.

Amy and I recently bought our first new car as newlyweds. As the salesman was filling out the ownership documentation, he paused when he reached the marital status portion and asked, "Married?" "Yes," I said, for the first time in my entire 44-year life, "I am, indeed, married."

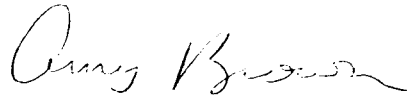
We joined our dear friends for dinner just a few days after our nuptials. They were already seated when we entered the restaurant and greeted us with a chorus of the "Bridal March" sung loud enough to inform other diners that the newlyweds had arrived. Later as we sat at our table eating and visiting, a couple that had seen us arrive, stopped and wished us a congratulatory "Mazel tov" as they left. Complete strangers, middle-aged, someone's parents, we don't know.

My mother sent us a wedding card. The envelope read "Mrs. Lisa White and Mrs. Amy Brown." Our names haven't changed, and probably never will; but mom wanted to address that change of status. We will keep the envelope forever.

Shortly after the wedding when all the teachers returned from our winter break, Janet the school secretary sent an e-mail titled "Well? Did you?" I responded, "I did. I do. It's divine." I went on to say that there would be no hyphenating of names in my house; after all, what does one do with White and Brown? Janet responded, "Don't I know it! My maiden name is Pierce." Her married name is Self. These are the stories that only brides tell.



Lisa White



Amy Brown

Marriage Story of Robyn Caruso & Karen Parker

We have been together in a committed, monogamous relationship for 10 years. We registered as domestic partners with the state in October of 2000. We jointly own our home and 2 vehicles. We pool our finances and we are each other's beneficiaries on all important issues.

We decided to get legally married on February 14 and went to San Francisco on February 15. After waiting in line for 24 hours we were issued a marriage certificate on February 16. There was never any question about getting the marriage license. How could we not? We are so tired of being treated like second-class citizens.

Although we felt that we had already been "married" in our own eyes, we were definitely caught up in the positive atmosphere and joyousness of the occasion of getting legally married. We will always be able to look back and explain to our daughter what a significant day it was and how it gives hope for how the world can be. Most of our family, friends and co-workers have expressed a sense of happiness and pride for us, and many have equated what happened in San Francisco to those events during the Civil Rights Movement when Rosa Parks refused to go to the back of the bus.

We are professional women who pay our taxes, vote and otherwise contribute to society, and yet we weren't entitled to the same benefits as our heterosexual counterparts because we weren't allowed to marry each other. For instance, when Robyn gave birth to our daughter, Karen had to formally adopt her as a "stepparent" so that she would be recognized as our daughter's legal parent. It was insulting to have to prove that Karen is our daughter's parent and that she should be granted legal custody of her own child. Our daughter is too young to understand the impact of her mommas being legally married, but we will explain it to her as soon as we can. We hope that being legally married will make our daughter's life a little easier by chipping away at the social stigma attached to being a child of an unmarried couple. We also want our marriage to provide added protection for her – the same as heterosexual couples have – should something happen to one of us.

We have taken all the steps we can to protect ourselves and our relationship, however, being married will provide additional security that heterosexual couples enjoy. For instance, as Karen's spouse I am entitled to her pension, something that a domestic partnership, or our will or trust, cannot provide.

Also, even though we have been registered as Domestic Partners with the state, Domestic Partnerships are extremely limited in the rights they provide and are in no way not equal to marriages. In fact, most people don't even know what that means, and many of the forms we have to fill out every day don't recognize Domestic Partnerships. For instance, almost any form a person has to fill out to obtain any service, from school applications to taxes to jury duty to medical history, ask only about marriage, not domestic partnership. To be able to say, we are "married" will truly facilitate understanding and will make business transactions easier. For example, we know of gyms that offer discounts to married couples but not to domestic partners. Marriage is a legally understood institution that brings with it inherent rights. By being married,

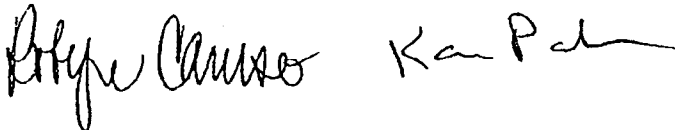
it is understood that the gym will give us the discount, rather than hoping it will after explaining that we are a same-sex couple, and having no real recourse if they don't.

Being married will certainly make our lives easier on many levels. We believe that this will facilitate understanding of the validity of our relationship and commitment to one another. It is the state saying, "We honor you and your relationship and as a result, here are some privileges and rights we are going to extend to you."

Additionally, being legally married will save us money by allowing us to file our taxes together. Despite the fact that we jointly own property and vehicles, and are raising a child together, we have been unable to file our taxes jointly because we have not been legally married until recently. As a result, doing our taxes has been cumbersome as we have to try and figure out who should claim our child and who takes the house, despite the reality that our finances are intrinsically commingled.

The different treatment we receive is clear in many aspects of society. We live in a state that allows a man and a woman to marry even if they have only been together 10 days, but until recently did not allow us, who have been in a committed relationship for 10 years, this same privilege. For our sakes and for the sake of our young daughter, we have to hope that equal access to marriage will remain a reality so that she can live in a world that is truly free.

Robyn Caruso & Karen Parker

Handwritten signatures of Robyn Caruso and Karen Parker. The signature for Robyn Caruso is on the left, and the signature for Karen Parker is on the right.

March 24, 2004

David Ellenberg and Cuauhtémoc Andrade

March 23, 2004

We are in a committed and loving relationship that is still going strong after 16 years. We pool our finances. We have always felt married in our own eyes.

Although we've been together for 16 years, when we went to register for domestic partnership we felt like second-class citizens in the waiting room standing beside heterosexual couples that were getting marriage licenses. We wanted the same full and equal rights and responsibilities as the couple next to us and at that moment, we realized that domestic partnership was in reality less than marriage and not equal.

We finally got married in the eyes of the State on the morning of February 12, 2004. "Yes." "I do." "I will." We have wanted for 16 years to get married and we still want to.

We got married because we wanted to be just like any other couple that loves each other and shares their lives together. We want to prove to the world that we are two people who want to be legally wed. For 16 years we've been in a committed and monogamous relationship. But a state-sponsored marriage has given us something we did not have before -- a legitimacy that is respected and admired by my peers and family. We wanted to be viewed by people as spouses and not as partners.

Getting married has changed us in a way only a man who has just gotten married can understand. There is something about a legal document that can permanently seal your love and even if you have lived together for many years, it will make the relationship even stronger. We became truly committed. No words are more convincing than the words "cherish" and "faithful." Saying our wedding vows on the Rotunda of the City Hall and really believing and understanding what those vows meant and will always mean and then receiving the officially signed and stamped marriage certificate has had a profound affect on both of us. For lack of a better description, we feel complete.

We will be harmed if our marriage is declared void, because feeling like a second-class citizen is harmful to anyone. There are many other tangible harms that having our marriage invalidated will cause to us. In the years prior to our marriage, Cuauhtémoc (Temo) had some medical emergencies that required many weeks in the hospital. While he was in the emergency room, David waited in the waiting room. After a while David realized that although he was Temo's partner and all he had, David had no rights to care for him. David demanded that he be treated as Temo's spouse and be allowed in. Now that we are married, we know we won't have to fight to be at each other's bedside.

Our inability to marry in the past also closed other doors. One day, last year, we were in Florida. David's brother and his wife were going to the Bahamas and asked if we would watch their son, Ellis, for three days while they were gone. Of course, we were delighted. The day they were leaving David was curious to know what would happen in the event that they were killed in a plane crash. Who would they want to have custody of Ellis? David's brother got very

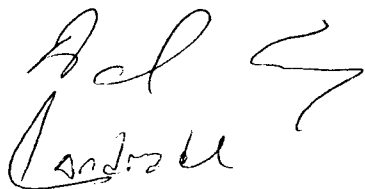
serious and said, "Oh good question, I knew one day you'd ask that, uh well you know, Steven and Mary Ellen, three kids, big house, big yard." I said, "Of course, best choice." Then David's sister in-law said, "David, we wanted to name you and Temo, but you're not legally married. I know that you're the best choice, but I believe legally we wouldn't be able to do it." David was so hurt that his eyes swelled with tears.

In the future, we will be buying a car, so we will file a joint credit application for the first time as spouses and take out an automobile policy as spouses.

We are both long-term survivors of AIDS (1982, 1987) and are retired. David volunteers at the Aids Emergency Fund, but still has a lot of time. Our dream is to someday raise children. We have discussed before the possibility of fostering and maybe even adopting a child with HIV. Who better? Especially given David's 20 years of survival and knowledge, and the time we have to nurture a child. Being married has also strengthened that desire in a profound way, because now we feel it's a real possibility to have a stable family life.

Thank you,

David Ellenberg and Cuauhtémoc Andrade

Handwritten signatures of David Ellenberg and Cuauhtémoc Andrade. The signature for David Ellenberg is written in a cursive style, and the signature for Cuauhtémoc Andrade is written in a more stylized, cursive script.

Chris Elwell and Kory Odell
Los Angeles, California 90019

We met just over two years ago and were married at San Francisco City Hall on Monday, February 16, 2004.

On Thursday, February 12, we learned that San Francisco had begun marrying same-sex couples. On Valentine's Day, we learned that a court challenge on the matter had been continued until Tuesday, February 18, and that the City would continue to marry couples over the weekend.

On Sunday evening, we flew to Oakland, rented a car and drove to City Hall. Hundreds of couples were camped out to keep their places in line for a Monday ceremony. Some had been waiting outside for two days and they told us we would need to camp out with them if we were going to get in the next day. A night on the sidewalk had not been in the plan. We left Los Angeles in the sunshine planning to stay the night with friends and to go to City Hall in the morning. So we went to get ourselves some camping gear. Kory's best friend growing up, Byron, lives in San Francisco and lent us sleeping bags. We borrowed sweat shirts and umbrellas from another friend, and we made it to Home Depot just before closing to buy tarps. Back at City Hall, the line of couples in tents, ponchos and garbage bags stretched around the block. We took our place on the sidewalk near midnight, and got under the tarp in our sleeping bags as it started to rain.

When morning broke, the crowd formed a line of sorts to get married in the damp clothes we'd slept in. We were flanked by a couple of women from San Diego who were even less prepared than we were. One wore plastic bags over socks in flip-flops. Another woman had spent the night on the pavement with her broken leg. We looked like refugees but could not stop smiling. We got into the building before noon, and our Best Men – friends who live in San Francisco – somehow managed to find us.

Sheriffs and city staff volunteered their time that holiday weekend to give us the opportunity to get married. It was beautiful and humbling. Staff kept the lines moving with checks and double-checks of our paperwork and patient instructions on where to go and what to do next. When they called our name and gave us our marriage license, and we saw our names on an official document, we were unexpectedly overcome. We were couple number 127. We were then taken to Malia Cohen, a deputy of Mayor Newsom, who officiated our ceremony in the mayor's oak paneled office overlooking Civic Center plaza. We exchanged the vows she read us, not having time to write out own. We didn't have rings to exchange so we exchanged kisses. We each said, "I do" and we were married. It's not the ceremony we might have planned – we might have shaved, for example, worn clean clothes and slept indoors the night before – but those elements aren't what a wedding is about to us. We're still awed by the love we felt from our friends and the community in that place, and the love we feel for each other, which drove us to sleep on the concrete in the rain so that we could be married.

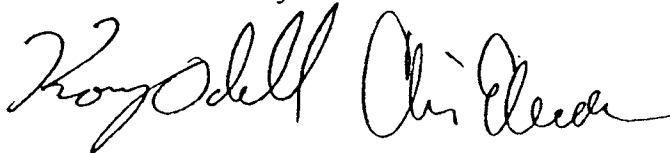
That night, Byron had a spur-of-the-moment reception for us at his place in San Francisco, and without any notice our friends dropped everything and came to celebrate. It was perfect.

We were inspired to get married in a way we have not been inspired to register as domestic partners or otherwise solemnize our relationship. Marriage means more. There is no ambiguity in the word we use to describe ourselves. We do not think of ourselves as "boyfriends" or "partners" or "lovers," nor do we think of ourselves as a couple that has commingled assets. We are to each other what are parents are to each other – married.

We've been repeatedly struck and moved by the impact of our marriage on the status we have to our friends, family and coworkers. Our marriage now has a public quality our relationship did not before – and we have a wonderful milestone to celebrate, reaching one whose significance everyone on the planet understands. After we got back from San Francisco, and word of our marriage got out, our bosses and coworkers sent flowers and took us out together to celebrate the marriage. Our parents, aunts, uncles and cousins started calling for the details and sent us cards and gifts. Like any married couple we wrote thank you notes and shared the details of the wedding. We now talk about raising kids. The wedding came at a bit of a watershed time for us, as we are now moving in to the house we have been renovating for the last six months. Our upcoming housewarming has morphed into a wedding reception that our friends and family are excited to help us throw. Marriage is a public institution, and we are grateful now to participate.

Since the Supreme Court enjoined further marriages in San Francisco, we have been saddened by the thought of the couples we know who have been on a list awaiting their turns to marry in San Francisco. We also dread the thought that we might be deemed divorced, or unmarried – an involuntary annulment to tell the world ... what? That our relationship is a delusion? That we don't deserve the dignity? Would we cancel our reception and send back the gifts and send out an announcement that we are not married after all? Would we go to another jurisdiction and have a second marriage, as if to admit that the first one did not take place? We hope to be left to live in peace and as we are meant to be – married.

Chris Elwell and Kory Odell

Handwritten signatures of Kory Odell and Chris Elwell. The signature for Kory Odell is on the left and for Chris Elwell is on the right.

March 24, 2004

Stuart Gaffney and John Lewis

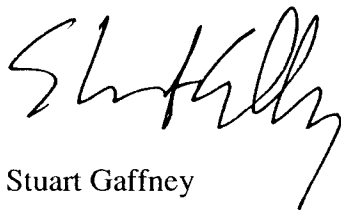
When Stuart's parents married 52 years ago, the California Civil Code prohibited their marriage solely because of the color of their skin. Stuart's mother is Chinese American, and his father is white.

This Court's landmark decision in *Perez v. Sharp*, 32 Cal. 2d 711 (1948), holding California's ban on interracial marriage unconstitutional, was the only reason Stuart's parents were able to marry in 1952. The City of San Francisco's decision to enforce the Family Code in accordance with the equal protection clause of the Constitution was the reason we were able to marry on February 12, 2004.

For the many years we were forbidden to marry, we suffered the experience of our government and laws treating us as less than equal to other California citizens. In addition to the many rights and benefits we lost, we suffered a very real cost to our dignity as human beings. A heterosexual couple who had known each other for 17 days could get married; yet, we, as gay men, together for 17 years, could not do the same thing. The City of San Francisco removed this badge of inferiority when it treated us as fully equal citizens by allowing us to marry.

Stuart's parents, too, know the experience of having their relationship treated as inferior. When they moved to Missouri a few years after they were married in 1952, they learned that their marriage was legally void because at that time Missouri banned marriages between Chinese Americans and whites. Fortunately, the United States Supreme Court later invalidated all bans on interracial marriage, declaring marriage "one of the 'basic civil rights of man.'"

Today, our parents and our entire family celebrate the fact that our government no longer considers our relationship inferior and thus no longer treats any family member as "less than equal."



Stuart Gaffney



John Lewis

TIM HARTLEY & JASON LYON

LOS ANGELES, CALIFORNIA

March 24, 2004

When we met at a Starbucks in 1999, it was about as close to love at first sight as any couple could ever hope for. Tim was living in his native San Francisco and Jason was living in Los Angeles, so we had to date long distance for the first six months. Nothing will make you decide quickly whether a relationship is worth a commitment like flying weekly between SFO and LAX.

Tim moved to Los Angeles in 2000. We shared a tiny rented bungalow in Hollywood for that first year and we registered as Domestic Partners with the State of California nearly right away. We have always wanted to be able to provide whatever stability and protection we could for our relationship. Basically, we're old-fashioned guys and we're in for the long haul. We bought our first home in 2001 and that's when we started to really consider ourselves married. Without the legal benefits of marriage, entering a mortgage together is as close as most gay couples can get to a legal bond. We exchanged rings for Christmas that year so that we would have an outward, visible symbol of our commitment to each other.

We had decided to get *legally* married long before we actually had the opportunity in California. We knew we wanted to do it if the option became available here. Then San Francisco started issuing licenses. On February 14, 2004, we arrived at City Hall at 10:00 AM and the line was already snaking halfway round the building. Jason dropped Tim off and drove to pick up Tim's mother and brother. We waited for four hours together, along with a few friends from the area and the thousands of happy couples in line. It was truly a memorable, joyful day. We were married at about 2:00 PM that afternoon, with Tim's family tearfully celebrating in person, and Jason's mother, stepfather, sister, brother-in-law, nephews, and best friend all gathered around speaker phones witnessing the ceremony via cell phone.

It's funny. We did not believe that the simple act of obtaining a license and saying vows in public would change how we felt about our relationship. We already thought of ourselves as married. But there was something indefinable about standing there before God and our families and this stranger who generously donated his time to perform our ceremony that changed us both. Suddenly, we *felt* married in a way that we hadn't before. There is something to the legality of it, the 'officialness' of it, the willingness to be legally bound to this one other person, the willingness to make that commitment publicly. It was profoundly moving.

Interestingly, our marriage seems to have changed the way other people think of our relationship as well. We've been together for almost 5 years and we're generally regarded as a "happy couple." Everyone knows we own homes together. Our families are very much blended. And yet, people seemed to view us in a new light after we returned from San Francisco. At both of our places of work, they had parties celebrating our marriage. People started asking if we planned to have children, when many had not asked before. Suddenly, people seemed to want to celebrate our love publicly. We even filled out a gift registry after about the tenth request – which, we must say, has been fun, given the thousands of dollars we've spent on our heterosexual friends' wedding gifts

over the years. There is something very delightful in receiving a delicate and beautiful ceramic bowl you don't really need. It's all been overwhelming and quite heady.

We wanted to get married for the same reasons most other couples get married: we love each other, and we planned to be together, through good and bad, for the rest of our lives. But we also wanted to be able to provide for each other, when one of us is left behind by the other's death. Without marriage, we can only partly accomplish that through wills and trusts, and it's an expensive process to hire attorneys to codify the inheritance that is rightly ours as spouses.

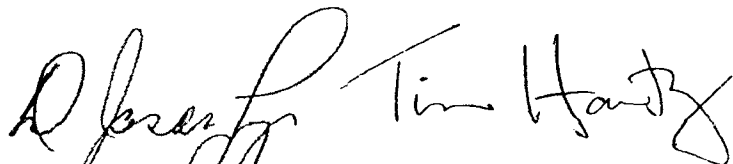
There are countless ways that we would be harmed if our marriage was invalidated. Currently, we own two homes together, have shared finances, and are named as beneficiaries on each other's life insurance policies, IRAs, 401(k)'s and the like. But only marriage can provide the benefits of marriage. Because we were not permitted to marry in the past, had one of us died before we were married, we would have left the other with a morass of legal headaches to confront at a time when we should be grieving the loss of a life partner and celebrating the happy memories of our life together.

Despite the fact that Tim is best-suited to know Jason's wishes if Jason were ever incapacitated, if our marriage is invalidated, Tim would not be automatically entitled to make decisions for Jason's health care. In the event of Jason's death were we to be unmarried, the homes we own together might be subject to reassessment. Suddenly, Tim would inherit a huge tax burden on his own home simply because the state considers us strangers. Our relationship would continue to have secondary and unequal status if our marriage is voided.

We plan to initiate private adoption proceedings later this year. Obviously, being married will make an enormous difference to the stability of our child's life. Our child deserves all the stability that the civil contract of marriage can offer his parents. If our marriage is withdrawn by the State, our children will bear the burden and stigma of state-endorsed discrimination against unmarried, but loving, gay couples.

We are proud to be good citizens. We put in an honest day's work; pay our taxes; and have been active in the civic life of our area (Tim works with Special Olympics; Jason is an elected member of the Silver Lake Neighborhood Council). We attend church and maintain a dedicated spiritual practice. We are godparents to Jason's two nephews.

The fact is, our relationship has made each of us want to be better men. The security and stability of our relationship makes us better citizens, which in turn enriches our community. No one is harmed by the state's recognition of our relationship, but we will most certainly be harmed if the state invalidates our marriage.


Jason Lyon and Tim Hartley, Los Angeles, CA

March 24, 2004

Eight years into a committed and loving relationship, we got married at San Francisco City Hall on February 13, 2004. This was not the starting point of a lifelong commitment, but rather the next in a series of steps we have taken as a couple to build a life and family, reflective of the lives that so many millions of other families throughout our state and country have built. We wanted to be legally married, not only for the recognition of our deep emotional bond, but also for the public and societal recognition, the civil rights, and the social and legal responsibilities that are conferred upon those who enter into a marital relationship. When given the chance to be legally married, there was no hesitation. We jumped at the opportunity.

Our relationship has had the trappings of marriage for many years. We have shared a home for the past seven years and bought a home together five years ago. We commingle our finances, bank and brokerage accounts have been in both of our names, and retirement accounts have named the other as beneficiary in case of death. In 2003 we became parents of twin daughters. Our relationship has had the social trappings of marriage as well.

Despite the fact that we act like a married couple we have always had to make special efforts to compensate for the fact that we were not allowed to be legally married in the eyes of the state. We have had to take a number of legal steps to protect ourselves, including filing as domestic partners, having durable powers of attorney for financial matters and health care, and drawing up very explicit wills.

Several years ago, Eric had a severe allergic reaction that almost made us cancel a trip abroad that we had planned. We realized at that point that if we were away and one of us got sick, a hospital would not necessarily even allow the other of us in to visit. While Doug's family is very supportive of our relationship, some of Eric's family is not, and we have feared what they might try to do should Eric get sick or pass away without proper legal documentation of his wishes for healthcare, burial and estate disposition. Eric's family has made it very clear they would not follow his stated wishes. They would have had the right to make decisions about his healthcare, finances and burial, while Doug would have been shut out. Therefore, Eric took legal steps to secure his wishes regarding Doug's rights. A legal marriage then would have precluded this necessity and provided us with additional protections. Now that we are legally married, we expect to have these protections.

When we purchased real estate we had to apply for a mortgage as unmarried co-borrowers. This created additional paperwork and additional costs for things such as credit reports, which can cost more for two single people than for a married couple. Each time we have refinanced we have to make sure that title to our property is recorded as joint tenants with rights of survivorship.

Our automobile insurance carrier does not recognize domestic partners and will not give us the rates or service that it gives to married couples. We had to have Eric grant Doug power of attorney, and pay a notary, in order for the insurance company to list him as an authorized insured driver. When we travel and rent a car, we often have to pay extra to have us both as drivers of the vehicle, a cost not incurred by married people. Once, in the Boise airport, Eric's sister met us and went with us to the car rental counter. After seeing us arguing with the agent to put both names on the contract, she asked in disbelief, "Do you always have to go through this?" Unfortunately, our answer was yes. It is an indignity, coupled with a financial burden.

When we found out that we could go to City Hall and get married, we did not hesitate to do so. While we already were committed to each other, and we already had in place many legal documents to try to protect ourselves and our family, as parents we knew without doubt that if there were anything at all we could do to provide even a modicum of greater security, stability, recognition and rights for our daughters, we would do it. The myriad of legal documents (which together have cost us thousands of dollars to obtain) that we have, do not come close to approximating all the rights, responsibilities and privileges that a simple marriage license confers.

We were profoundly impacted by our experience of getting married – much more so than we had expected. The feeling of being around so many joyous people all there to celebrate and honor theirs and each others' commitments, relationships and families was a remarkable feeling. As committed as we had been beforehand, that ceremony deepened our commitment and strengthened our relationship.

The amount of positive recognition we have received has served to heighten our feelings about the importance of being married. Marriage is not just a private affair – people regard you and treat you differently when you are married. We have been recognized as a family, and honored for the commitment we have made.

Soon after our image as newlyweds was publicized, our house was vandalized. But even with this incident, we found that as a married couple we were regarded differently. The police took the incident very seriously and have investigated it as a hate crime, as they would whether or not we were married. However, we were surprised and pleased to read in the police report that we were referred to as each other's husband. It is hard to describe how it felt to read those words.

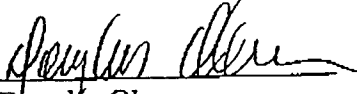
We now turn to the future and think about how marriage will impact our lives. The biggest impacts relate to finances and to our children. With an intact, legal marriage, recognized at both state and federal levels, we will approach financial and estate planning very differently. We will not need the plethora of contractual arrangements and tax-wise planning to protect ourselves. We will be taxed differently and will have different inheritance rights. One smaller example is that Doug currently receives health insurance through Eric's employer, and it has been treated as a taxable benefit. As a married couple it is not taxable. Much more significantly, as an unmarried couple, if one of us dies there

Douglas Okun and Eric Ethington

San Francisco, CA

is no marital exemption on inheritance taxes, leaving far fewer resources with which to raise our children. Our hope is that we can raise our daughters with the same rights, protections and benefits as any other married couple raising children.

Most significant is the effect on our daughters of being a part of a family headed by a married couple. Their sense of who they are and their place in our society will be tangibly affected by how their government treats their family.



Douglas Okun

Eric Ethington

Douglas Okun and Eric Ethington**San Francisco, CA**

is no marital exemption on inheritance taxes, leaving far fewer resources with which to raise our children. Our hope is that we can raise our daughters with the same rights, protections and benefits as any other married couple raising children.

Most significant is the effect on our daughters of being a part of a family headed by a married couple. Their sense of who they are and their place in our society will be tangibly affected by how their government treats their family.

Douglas Okun



Eric Ethington

March 23, 2004

We have lived together for over seventeen years. We have combined our finances, written our wills and own property together. We have taken advantage of every opportunity to give our relationship legal standing. Getting married was a logical step and the ultimate opportunity to formalize our commitment to each other.

We registered as Domestic Partners both in San Francisco (February 14, 1991) and the state of California (March 19, 2000). We were legally married on February 12, 2004. We want the security of knowing that our plans and what we want for each other will stand in a court of law if one of us passes away. We both know of many examples of people who have died of AIDS whose wishes weren't carried out because biological family members took legal precedence over their partner.

To have the Court invalidate our marriage license would cause us irrevocable harm. It would say that our love is not the same as two people of opposite sex. Yet we know that it is. The refusal to recognize our marriage will also harm us financially. If our marriage is voided, the amount of survivor benefits available through Fernando's pension will be lower for an unmarried beneficiary. We also know that we have been paying more in taxes as unmarried individuals than we will as a married couple.

We know what love and commitment mean. Bill's mother came down with an illness that caused her body to reject her muscles. She went from 130 lbs. to 69 lbs. She had no control over her muscles so that anytime she wanted to move, Bill's father had to move her. Whether it was to turn her on her side or to take her to the bathroom and hold her on the toilet, Bill's father helped her because he took his marriage vows seriously. Bill's mother eventually recovered well enough to be able to care for her husband up until his death after two battles with lung cancer in 2000.

We've seen this same commitment in gay couples caring for their partners with AIDS. In our committed relationship, we plan to care for each other in the same loving manner if we ever find ourselves in similar circumstances. Being married will make it much easier for us to go through such difficult times if we need to in the future.

Fernando Orlandi
William Wilson

Fernando Orlandi
William & Wilson

Pamela Postrel and Mindy Blum

We were married in San Francisco on February 18th.

We have known each other for 19 years, the past 16 of those years in a committed, monogamous relationship. We registered as Domestic Partners in the State of California pretty much as soon as it was possible, as we would any legal acknowledgement of our marriage. The letter and certificate from California Secretary of State Kevin Shelley last summer acknowledging our legal status as domestic partners was the first official recognition we ever got for our relationship and it meant the world to us.

We have two children, two cats, a house, and a mortgage payment. We shopped for and bought our house in Pasadena as joint tenants. Our finances are pooled, as they have been since the inception of our relationship. We have named each other as beneficiaries on all life insurance policies, retirement funds, wills, etc. We're intertwined in every financial way that a couple can be intertwined (short of that joint filing for tax returns that we had not been able to do before our marriage). We fight about the dirty dishes. We negotiate who's going to take the kids to swim lessons or Sunday school. We go to parent-teacher conferences and grin from ear-to-ear because we got two good (okay-great!) reports on our kids.

Perhaps most important to the definition of our particular union has been the conception, birth and rearing of our seven-year-old daughter and our five-year-old son. We conceived these children together, we birthed these children together (Mindy carried, Pamela coached), and, most importantly, we are raising these children together in the most loving and healthy home we can create. Because of the lack of availability of legal marriage at the time, and due to the older laws and rules that applied in the state of California, Pamela had to "2nd parent adopt" both children, which she happily did... although the idea that we had to have home visits and forms and fees and references attesting to Pamela's fitness as a parent was burdensome, unnecessary, and galling.

We look at each other with a sense of awe, dismay, and astonishment that after 16 years, our love is going strong. We look around us at friends (gay and straight) and feel so fortunate. But, despite all of this, we never before last month had a chance to stand up in front of people in a way that legally counts to show each other – and the whole world – that we really, with all our hearts, wanted to be married. So when Gavin Newsom took his nothing-short-of heroic stand in February, we were proud to tell our kids that we were going to San Francisco to get married. Not just that we were going, but that it was so important an opportunity that we were driving up from Pasadena overnight to get it accomplished as quickly as possible.

Because, you see, while our relationship per se doesn't affect the children negatively in any discernible way, the stigma brought down on us by those who insist on treating us like second-class citizens, namely in not allowing us legal marriage, most definitely does have a deleterious effect on our children. They do get the message that our family is not "real," that there is something about their parents' relationship that is not deemed credible

by society. It is unfair and unjust that our children should be harmed, just because the world can't or won't accept the fact that their parents love each other.

The experience of the San Francisco ceremony itself and the depth of feeling that getting married engendered is truly indescribable. But here are a few of the things I remember:

- The moment of utter joy when we faced each other to exchange vows and realized that through nineteen years of ups and downs, the conception and raising of two children, all the apartments rented, the purchase of our house, the career support we've provided each other, the disappointments, the knock-down drag-outs... that we still actively and passionately wanted to say "I do."
- The real sense of belonging and acceptance (in spite of ourselves) as we received our marriage license **LIKE EVERY OTHER TAX-PAYING CITIZEN IN THIS COUNTRY.**
- Waking up the next morning in a hastily acquired hotel room at The Four Seasons in San Francisco in the most comfortable bed I've ever been in with... my wife.
- The six-hour drive home, where we kept looking at each other with stupid grins saying, "We're married." And "How cool is this?"
- The director of our kids' school high-fiving Mindy... and the office full of balloons and thrilled colleagues Pamela came back to after our not-quite 48-hour whirlwind excursion to San Francisco.
- The surprise of hearing our seven-year old daughter, who wasn't sure she was totally into this whole moms-getting-married thing, sing-songing into the phone to me days after the blessed event: "I have married parents, I have married parents." It was more than enough to make us cry.

Pamela Postrel and Mindy Blum
March 24, 2004

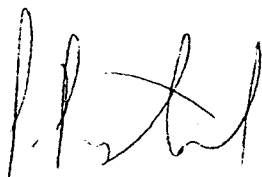


by society. It is unfair and unjust that our children should be harmed, just because the world can't or won't accept the fact that their parents love each other.

The experience of the San Francisco ceremony itself and the depth of feeling that getting married engendered is truly indescribable. But here are a few of the things I remember:

- The moment of utter joy when we faced each other to exchange vows and realized that through nineteen years of ups and downs, the conception and raising of two children, all the apartments rented, the purchase of our house, the career support we've provided each other, the disappointments, the knock-down drag-outs... that we still actively and passionately wanted to say "I do."
- The real sense of belonging and acceptance (in spite of ourselves) as we received our marriage license **LIKE EVERY OTHER TAX-PAYING CITIZEN IN THIS COUNTRY.**
- Waking up the next morning in a hastily acquired hotel room at The Four Seasons in San Francisco in the most comfortable bed I've ever been in with... my wife.
- The six-hour drive home, where we kept looking at each other with stupid grins saying, "We're married." And "How cool is this?"
- The director of our kids' school high-fiving Mindy... and the office full of balloons and thrilled colleagues Pamela came back to after our not-quite 48-hour whirlwind excursion to San Francisco.
- The surprise of hearing our seven-year old daughter, who wasn't sure she was totally into this whole moms-getting-married thing, sing-songing into the phone to me days after the blessed event: "I have married parents, I have married parents." It was more than enough to make us cry.

Pamela Postrel and Mindy Blum
March 24, 2004



Amy J. Shore and Sherri A. Rybak

On February 13, 2004 at approx. 11:30 a.m., we got a license and were married at San Francisco City Hall. We chose to marry as a completion of the commitment we made to one another nineteen years ago. We were both raised in conservative religious families where we were taught the importance of marriage and commitment. Had it been legal nineteen years ago we would have been married then.

We have never needed external validation in our relationship. But the euphoric feeling we both felt, standing on the stairs of City Hall, exchanging our vows like our straight friends and family had before us, made us overcome with emotions. We don't know quite how to explain it but a month has passed and we are still experiencing those same emotions.

But this is about more than just a piece of paper with a number and authorizing signatures. It is society's validation and acceptance of our right to be whom and what we are, and to love the one we choose. Sure, we are registered Domestic Partners but it is not the same. We are not just speaking about the rights afforded married couples versus domestic partners, which is considerable. We are speaking more about marriage as an institution. Marriage is universally known and accepted. We can say we are "Domestic Partners" but depending on the individual, their response can range from ignorance, religious outrage, denial, or confusion. "Marriage," on the other hand, is not limited by race, religion, or borders. Yes the definitions may vary but the word itself is powerful, acknowledged and understood.

During our relationship and before we were married, we both underwent major surgeries, and we can't begin to explain the frustrations we have encountered working with healthcare providers and institutions as we tried to care for one another in the hospital and during recovery. We of course had completed and notarized Durable Powers of Attorney for Health Care Decisions, and in most cases were forced to carry them on our person to simply justify remaining at one another's bedside. This is something we as a married couple would never have to endure.

Three years ago Sherri was diagnosed with Multiple Sclerosis, a debilitating disease that eventually leaves the individual incapacitated in one form or another. If our marriage is not recognized, Sherri fears that should her disease take a turn for the worse, her un-accepting family could take her portion of our pooled assets, or disregard her healthcare wishes. Such concerns are unwarranted for married couples.

Healthcare is only one of the many issues we have encountered. We own two properties together: the house we live in (in San Jose) and a cabin in Tuolumne County. When we purchased both properties, every document we completed stated next to our names "Amy June Shore an un-married woman, Sherri Ann Rybak, an un-married woman." We felt these labels were unfair because we had made a commitment to one another years earlier, but because we weren't married, we were labeled as two un-married

women. Not two domestic partners, not two people committed to one another for nineteen years, but two people with no relationship according to the State.

Our marriage license is more than just a piece of paper with a number and authorizing signatures. It represents validation and acceptance, the right to be whom, and what we are.

Amy J. Shore

Sherri A. Rybak

Handwritten signatures of Amy J. Shore and Sherri A. Rybak. The signature on the left is a cursive 'Amy J. Shore' and the signature on the right is a cursive 'Sherri A. Rybak'.

March 24, 2004

Amy Silverstein and Angela Padilla

March 24, 2004

We have known each other for more than 13 years, and started a relationship in August 1998. We were married in the eyes of God in a church wedding on January 6, 2001, and our wedding was blessed by the head Rabbi of Amy's synagogue. We live together, share finances, and wear wedding rings. We also executed wills and powers of attorney for property and health care that name each other as agents, executors and beneficiaries. We registered as domestic partners in January, 2001. All of our friends and family members know us as a married couple.

But as real as our marriage was to us, and to those who love us, we always knew that other people who were able to enter into state-sanctioned marriages had benefits we were not entitled to. Some of these were tangible: tax benefits (Amy is a tax lawyer), better rates on insurance, and the ability to inherit without a will.

There were non-tangible benefits as well. While having a state license did not make our marriage any more real to us, many people in the world can't imagine that two people have a serious and committed relationship unless they are legally married. It is much easier to say "married" when we are asked about our status, rather than launch into an explanation about our personal circumstances.

The benefits of civil marriage became clearer to us when we adopted our beautiful daughter Isabella Beatriz Padilla on May 22, 2002. Because we were not legally married at the time, Angela is Isabella's only legal parent. Had we been married, of course, we would both be her legal parents without needing to do anything further. Our daughter is the single most important person in the world to both of us. We work very hard in order to provide for her, and to give her the happiest and most stable life possible. Not a day goes by that we don't consider what we need to do to give her the best life possible in the future as well.

On July 30, 2002, Angela was diagnosed with invasive breast cancer. Angela's cancer forced both of us to consider what would happen if she dies of this disease, and Amy is forced to raise our daughter Isabella on her own.

From July 2002 to July 2003 Angela was in treatment for breast cancer, including two surgeries, chemotherapy, and radiation. Angela nearly died when the chemotherapy caused neutropenic fever, and she was hospitalized in critical condition. Amy was by Angela's side every minute of that hospitalization, and her presence was critical to Angela's survival. We were lucky to have caring healthcare workers who recognized our relationship and permitted Amy to visit with Angela, even when she was in protective medical isolation. We know, however, that there are many hospitals that would not have permitted this. We cannot imagine how we would cope if we could not be with each other in the most difficult times of our lives.


We were married in a civil ceremony at San Francisco City Hall on February 14, 2004. We tried to marry the day before, but were turned away because too many people were already in line. On Valentine's Day morning, Angela's mother and stepfather arrived at City Hall at the crack of dawn to save a space in line for us. We arrived later, with 2-year old Isabella in tow. Amy's mother, brother, sister-in-law and two nieces also joined us.

Although we were already married in our eyes, and in the eyes of our families and friends, we are glad to have the State of California recognize what we already know: we love each other, we are a family, and our family deserves the same dignity and respect that the law gives to every other family.

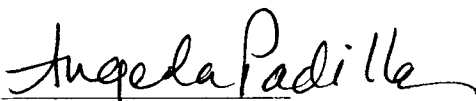
Now that we are legally married, we have taken advantage of numerous benefits available to married people. We previously had individual personal umbrella liability policies because as unmarried persons we could not be carried on the same policy. Now, Amy is canceling her policy because she can be insured under Angela's policy as her spouse. This will save us money and make our lives easier. We have also considered applying for a mortgage jointly, in order to take advantage of favorable rates offered to married couples.

We have exactly the kind of stable, committed relationship that California sanctions and encourages for heterosexual couples. It would harm both of us, and especially our daughter Isabella, if California now took away from us the recognition it gives to all other married couples.

We tasted true equality for the first time in our lives when we were married on February 14, 2004. We truly would be heartbroken if California forces us back into second class citizenship.



Amy Silverstein



Angela Padilla

Mily Trabing, LCSW, age 41

Susan Thomas, RN, age 48

We have been a couple since September 7, 1991. We met at San Francisco General Hospital where we are both employed. Susan is a Registered Nurse and Mily is the Director of Inpatient Psychiatric Social Work. We own a home in San Francisco and pay State and Federal Taxes.

We registered as Domestic Partners with the City and County of San Francisco on December 6, 1994. We registered as Domestic Partners with the State of California on November 10, 2003.

Neither of those events can begin to compare to our marriage at San Francisco City Hall on February 13th, 2004. Getting married was literally one of the most profound experiences of our lives.

The first lesbian and gay marriages occurred the day before, February 12, 2004. When we woke up on February 13, 2004 and read that the marriages were continuing, there was no doubt we wanted to seize this incredible opportunity. We put on our best outfits, grabbed the camera, called our friends to come, and raced down to City Hall. It was like a dream come true, and we laughed and cried throughout the entire day.

When we were standing in line, we phoned Mily's Mom and Dad who are 77 and 83 years old. We wished they could have been there to participate in our wedding, but we wanted to get married as soon as possible.

Mily's parents were so happy for us. They could hardly believe they'd live to see the day when the two of us could be married. They consider Susan to be a member of the family, in fact - Mily's 83-year-old father says that Susan is the "brains of the family!"

It means so much for them to know that we are legally married. They worry about us being discriminated against, so it's been very reassuring and comforting for them to know we live in a place that supports our relationship and our family.

Mily's parents are long-standing and active members of a Christian Church. They attend Church every Sunday and participate in the Congregation. They are so proud that we were married they've practically told everyone in the Church - including both of the Ministers! When we attended services with them during a recent visit we felt as though we were celebrities - with all sorts of people in their 70's and 80's coming up to wish us congratulations! We've also received cards and wedding gifts from several of their friends. Mily's parents and the friends in their community are thrilled to know we are married - just like all the other children who were raised in our town. They really want what's best for us - and in their mind, that means marriage - a secure commitment before society that we are going to be together for the rest of our lives. It would be devastating for all of us if our marriage were to be voided.

We really regret that Susan's parents didn't live long enough to see this day. Given the opportunity, we would have been married in their lifetime. Susan's mother treated Mily like a daughter. Although she lived in a very very small town (with only 1 stop-light) in Iowa, she accepted us 100% and would have been thrilled to see us legally married. Every year she sent Christmas presents to both of us and on Valentine's Day she would send us the type of card that's from a Mother to a Daughter - but on ours she would always add an "s" - so it would read, "to my daughters on Valentine's Day." It would have meant a lot to her to see us be married.

When we stood on the balcony under the beautiful City Hall Rotunda and stated our vows and exchanged rings -- it was nothing short of liberating. We felt a tremendous sense of joy, relief and well-being. Saying those vows and knowing we were making a legal commitment to each other was one of the greatest days of our lives. We now have our marriage certificate framed and hanging in the living room.

There is a huge difference between being Domestic Partners and being married. Being married is something the general public can understand. If you tell someone you're Domestic Partners, it's like saying you registered your car at DMV: big deal. However, if you tell a co-worker or family member that you are married, they get it. People don't ask us what being married means even though people used to ask "what's a domestic partner?"

When we returned to work after being married we were overwhelmed with well-wishers: Mily's phone was ringing off the hook and colleagues would come in her office and look at the wedding photos and cry! Susan's coworkers threw her a wedding party. They had a cake, presents and a flower bouquet for her to throw. Mily's coworkers had a reception for us as well as other couples who were wed at City Hall. Being married has given us a greater sense of community. It feels as though we're no longer invisible. People can see that we cherish and are devoted to each other.

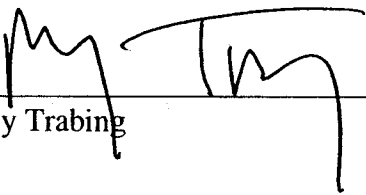
This strengthens our relationship and has improved our lives. After we were married Susan said, "I don't feel like a second class citizen anymore, I feel equal."

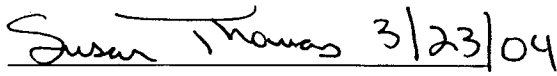
We have had to create separate Wills, Trusts, and Durable Power for Health Care and Finance. We have gone to great lengths to ensure that our estate goes to the other when one of us dies. We've also made explicit legal instructions to ensure that if one of us were to become disabled we wouldn't be removed from our partner. If we had been married before, this expense and effort would not have been as burdensome.

Marriage is really a developmental stage. When you are "partners" or refer to each other as "girlfriends" it keeps you in a state of perpetual adolescence. You're not taken seriously. The fact is, we are 41 and 48 years old - we are not teenagers or young adults who are "dating" - we are middle aged women who are in a lifelong marriage and we deserve the right to be legally married. We are very responsible, law-abiding property owners and tax-paying citizens.

In the past, marriage felt unattainable. But now that we have it, we don't ever want to give it up.

We obtained a copy of the vows that were read at City Hall the day we were married. We take these vows seriously and will do so for the rest of our lives.


Mily Trabing


Susan Thomas

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

PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on March 25, 2004, I served a copy of:

**APPLICATION FOR LEAVE TO FILE AMICI CURIAE
BRIEF, AND BRIEF OF AMICI CURIAE MARRIAGE
EQUALITY CALIFORNIA, INC. AND TWELVE MARRIED,
SAME-SEX COUPLES IN SUPPORT OF ALL
RESPONDENTS**

BY FACSIMILE [Code Civ. Proc sec. 1013(e)] by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone number (415) 268-7522 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Morrison & Foerster LLP for transmission.

BY U.S. MAIL [Code Civ. Proc sec. 1013(a)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

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

BY OVERNIGHT DELIVERY [Code Civ. Proc sec. 1013(d)] by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it (they) is are placed at Morrison & Foerster LLP for collection.

BY PERSONAL SERVICE [Code Civ. Proc sec. 1011] by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and delivery at the mailroom of Morrison & Foerster LLP, causing personal delivery of the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with Morrison & Foerster LLP's practice for the collection and processing of documents for hand delivery and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be taken from Morrison & Foerster LLP's mailroom and hand delivered to the document's addressee (or left with an employee or person in charge of the addressee's office) on the same date that it is placed at Morrison & Foerster LLP's mailroom.

BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(s) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6.

SEE ATTCHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California, this 25th day of March 2004.

Pat A. Wolfe
(typed)

(signature)

SERVICE LIST

2 3 4 5	Benjamin W. Bull, Esq. Jordan W. Lorence, Esq. Gary S. McCaleb, Esq. Glen Lavy, Esq. ALLIANCE DEFENSE FUND 15333 North Pima Road, Suite 165 Scottsdale, AZ 85260	Robert H. Tyler, Esq. ALLIANCE DEFENSE FUND 43460 Ridge Park Drive Suite 220 Temecula, CA 92590
6 7 8	Vincent P. McCarthy, Esq. CENTER FOR MARRIAGE LAW 8 South Main Street New Milford, CT 06776	Terry L. Thompson, Esq. LAW OFFICES OF TERRY L. THOMPSON P.O. Box 1346 Alamo, CA 94507
9 10 11 12 13 14 15	Dennis J. Herrera, City Attorney Therese M. Stewart, Chief DCA OFFICE OF THE CITY ATTORNEY Wayne K. Snodgrass, Esq. Ellen Forman, Esq. K. Scott Dickey, Esq. Kathleen S. Morris, Esq. Sherri Sokeland Kaiser, Esq. CITY AND COUNTY OF SAN FRANCISCO City Hall, Room 234 One Dr. Carlton B. Goodlett Place San Francisco, CA 94102	Bobbie J. Wilson, Esq. Pamela K. Fulmer, Esq. Amy E. Margolin, Esq. Ceide Zapparoni, Esq. Sarah M. King, Esq. Glenn M. Levy, Esq. HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN Three Embarcadero Center, 7 th Floor San Francisco, CA 94111
16 17 18 19	Bill Lockyer, Esq. Christopher E. Krueger, Esq. ATTORNEY GENERAL OF THE STATE OF CALIFORNIA 1300 I Street P.O. Box 944255 Sacramento, CA 94244-2550	

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