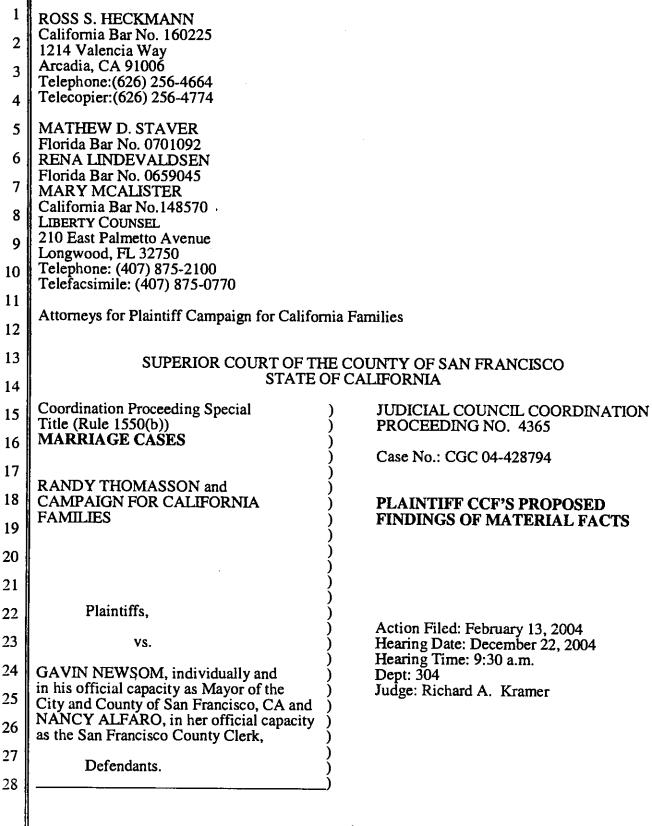
EXHIBIT 5







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Plaintiff CAMPAIGN FOR CALIFORNIA FAMILIES ("CCF"), submits the following Proposed Findings of Fact for the December 22, 2004 hearing before Judge Kramer in the Coordinated Marriage Cases:

- 1. Under California law, marriage is defined as a personal relation arising out of a civil contract between a man and a woman to which the consent of the parties capable of making that contract is necessary.
- 2. Under California law, only an unmarried male and an unmarried female can consent to and consummate a marriage.
- 3. On March 7, 2000, California voters passed the California Defense of Marriage Act, also known as Proposition 22.
- 4. California's Defense of Marriage Act is codified at Family Code §308.5, and states that only marriage between a man and a woman is valid or recognized in California.
- 5. The Application for a Marriage License in California does not ask whether the applicants are heterosexual or homosexual.
- 6. Under California law, a marriage license can be issued to an unmarried woman who is over the age of 18 years regardless of sexual orientation.
- 7. Under California law, a marriage license can be issued to an unmarried man who is over the age of 18 years regardless of sexual orientation.
 - 8. Under California law, a woman cannot marry a woman.
 - 9. Under California law, a man cannot marry a man.
 - Sexual orientation is not immutable. 10.



Dated: December 16, 2004

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Proof of Service - Page 1

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PROOF OF SERVICE

I, Rena M. Lindevaldsen, declare that I am over the age of eighteen and am not a party to this action. My business address is 210 East Palmetto Avenue, Longwood, Florida, 32750.

On December 16, 2004, I served the documents listed below on the interested parties in this action in the manner indicated below:

Documents Served:

(1) Proposed Findings of Fact

- By Mail: I am readily familiar with the business practice for collection and processing correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelopes were sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail in Longwood, Florida (as indicated on the Service List).
- X By E-Mail: I transmitted via e-mail, each of the documents listed above, except for the Appendix of Non-California Authorities, to each individual listed on the Service List, except for Judge Kramer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct; that this declaration is executed on December 16, 2004, in Longwood, Florida.

Mena M. Sunduald
Rena M. Lindevaldsen





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