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9 *Application Pending for Admission to U. S. District Court, Northern District of California

10 ATTORNEYS FOR PROPOSED INTERVENORS COUNTY OF IMPERIAL OF
11 THE STATE OF CALIFORNIA, BOARD OF SUPERVISORS OF IMPERIAL COUNTY,
12 AND ISABEL VARGAS IN HER OFFICIAL
13 CAPACITY AS DEPUTY CLERK/DEPUTY COMMISSIONER OF CIVIL
14 MARRIAGES FOR THE COUNTY OF IMPERIAL

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

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

20 Plaintiffs,

21 CITY AND COUNTY OF SAN FRANCISCO,

22 Plaintiff-Intervenor,

23 v.

24 ARNOLD SCHWARZENEGGER, in his official
25 capacity as Governor of California; EDMUND G.
26 BROWN, JR., in his official capacity as Attorney
27 General of California; MARK B. HORTON, in his
28 official capacity as Director of the California
Department of Public Health and State Registrar
of Vital Statistics; LINETTE SCOTT, in her
official capacity as Deputy Director of Health
Information & Strategic Planning for the
California Department of Public Health;

CASE NO. 09-CV-2292 VRW

**DECLARATION OF ISABEL
VARGAS IN SUPPORT OF
PROPOSED INTERVENORS'
MOTION TO INTERVENE**

Date: January 21, 2010

Time: 10:00 a.m.

Judge: Chief Judge Vaughn R. Walker

Location: Courtroom 6, 17th Floor

1 PATRICK O'CONNELL, in his official capacity
2 as Clerk-Recorder for the County of Alameda; and
3 DEAN C. LOGAN, in his official capacity as
4 Registrar-Recorder/County Clerk for
5 the County of Los Angeles,

6 Defendants,

7 DENNIS HOLLINGSWORTH, GAIL J.
8 KNIGHT, MARTIN F. GUTIERREZ, HAK-
9 SHING WILLIAM TAM, and MARK A.
10 JANSSON, as official proponents of
11 Proposition 8,

12 Defendant-Intervenors

13 PROPOSED INTERVENORS COUNTY OF
14 IMPERIAL OF THE STATE OF CALIFORNIA,
15 BOARD OF SUPERVISORS OF IMPERIAL
16 COUNTY, AND ISABEL VARGAS IN HER
17 OFFICIAL CAPACITY AS DEPUTY
18 CLERK/DEPUTY COMMISSIONER OF CIVIL
19 MARRIAGES FOR THE COUNTY OF
20 IMPERIAL

21 Proposed-Intervenors

22 I, Isabel Vargas, a deputy clerk of the County of Imperial ("County"), have personal
23 knowledge of the facts in this declaration, and if called as a witness, I could and would
24 competently testify to these facts under oath:

25 1. I have been a deputy clerk of the County of Imperial since 2000. By statute, my
26 position and official responsibilities include the duties of a county clerk with respect to
27 marriage under California law. Specifically, my duties include performing marriage
28 ceremonies and issuing marriage licenses.

2. I have been informed that the Governor, Attorney General, and other elected
officials are not actively defending Proposition 8 in the above-captioned litigation. I have also
been informed that as a result there is a possibility that a ruling by the District Court against

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1 Proposition 8 might not be appealable to the Court of Appeals for the Ninth Circuit or the
2 United States Supreme Court.

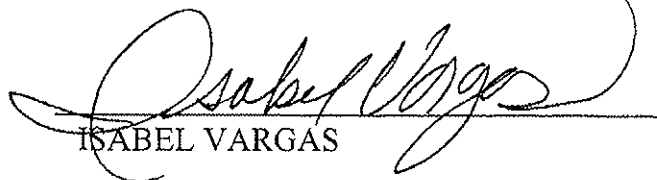
3 3. I am concerned that an unappealable ruling by a single District Court striking
4 down Proposition 8 would create significant confusion for me and other County clerks and
5 officials in the performance of our legal duties regarding marriage. It is unclear to me
6 whether, in such a situation, County clerks and other County officials would have a duty to
7 follow Proposition 8 as now enshrined in the California Constitution or to follow the ruling of
8 the District Court and issue marriage licenses to, or perform marriage ceremonies for, same-
9 sex couples. Such confusion would materially disrupt and impede the performance of my
10 official duties relating to marriage.

11 4. I have joined the proposed intervention of the County and Board of Supervisors
12 so as to ensure the possibility of appellate review, regardless of the outcome in the District
13 Court, in order that there be clarity and certainty as to the legal duties of County clerks and
14 other County officials relating to marriage.

15 5. I have no personal knowledge or documents or files regarding the Yes on
16 Proposition 8 campaign or its message, strategies or motivations other than possible
17 recollections of what was transmitted to the general public during the 2008 campaign.

18 I declare under the penalty of perjury under the laws of the United States that the
19 foregoing is true and correct.

20 Executed on December 15th 2009 at El Centro, County of Imperial, California.

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23 ISABEL VARGAS
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