

1 LAW OFFICES OF ANDREW P. PUGNO  
Andrew P. Pugno (CA Bar No. 206587)  
2 *andrew@pugnotlaw.com*  
101 Parkshore Drive, Suite 100, Folsom, California 95630  
3 Telephone: (916) 608-3065, Facsimile: (916) 608-3066

4 ALLIANCE DEFENSE FUND  
Timothy Chandler (CA Bar No. 234325)  
5 *tchandler@telladf.org*  
101 Parkshore Drive, Suite 100, Folsom, California 95630  
6 Telephone: (916) 932-2850, Facsimile: (916) 932-2851

7 Benjamin W. Bull (AZ Bar No. 009940)  
*bbull@telladf.org*  
8 Brian W. Raum (NY Bar No. 2856102)\*  
*braum@telladf.org*  
9 James A. Campbell (OH Bar No. 0081501)\*  
*jcampbell@telladf.org*  
10 15100 North 90th Street, Scottsdale, Arizona 85260  
Telephone: (480) 444-0020, Facsimile: (480) 444-0028

11 Jordan W. Lorence (DC Bar No. 385022)+  
*jlorence@telladf.org*  
12 Austin R. Nimocks (TX Bar No. 24002695)+  
*animocks@telladf.org*  
13 801 G Street NW, Suite 509, Washington, D.C. 20001  
14 Telephone: (202) 637-4610, Facsimile: (202) 347-3622

15 ATTORNEYS FOR PROPOSED INTERVENORS DENNIS HOLLINGSWORTH,  
16 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,  
MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A  
17 PROJECT OF CALIFORNIA RENEWAL

18 \* Admitted *pro hac vice*  
+ *Pro hac vice* application forthcoming

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 KRISTIN M. PERRY, SANDRA B. STIER, PAUL  
T. KATAMI, and JEFFREY J. ZARRILLO,

22 Plaintiffs,

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

CASE NO. 09-CV-2292 VRW

**[PROPOSED] ORDER DENYING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

1 capacity as Deputy Director of Health Information  
2 & Strategic Planning for the California Department  
3 of Public Health; PATRICK O'CONNELL, in his  
4 official capacity as Clerk-Recorder for the County  
of Alameda; and DEAN C. LOGAN, in his official  
capacity as Registrar-Recorder/County Clerk for  
the County of Los Angeles,

5  
6 Defendants,

7 and

8 PROPOSITION 8 OFFICIAL PROPONENTS  
9 DENNIS HOLLINGSWORTH, GAIL J.  
KNIGHT, MARTIN F. GUTIERREZ, HAK-  
SHING WILLIAM TAM, and MARK A.  
10 JANSSON; and PROTECTMARRIAGE.COM –  
YES ON 8, A PROJECT OF CALIFORNIA  
RENEWAL,

11 Proposed Intervenors.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Plaintiffs have failed to demonstrate that they are likely to succeed on the merits of their  
2 claim that Article I, Section 7.5 of the California Constitution violates their federal constitutional  
3 rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment.  
4 Plaintiffs have also failed to show that they will be irreparably harmed if this relief is not granted,  
5 that the balance of equities weighs in their favor, or that injunctive relief will promote the public  
6 interest. For those reasons, the Court finds that Plaintiffs' Motion for Preliminary Injunction should  
7 be **DENIED**.

8 **IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Preliminary Injunction is  
9 denied.

10  
11 Date: \_\_\_\_\_

\_\_\_\_\_   
UNITED STATES DISTRICT JUDGE  
CHIEF JUDGE VAUGHN R. WALKER