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10 Ethics and Religious Liberty Commission
of the Southern Baptist Convention

11
12 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

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

16 Plaintiffs,

17 v.

18 ARNOLD SCHWARZENEGGER, in
his official capacity as Governor of
California; EDMUND G. BROWN, JR.,
19 in his official capacity as Attorney
General of California; MARK B.
20 HORTON, in his official capacity as
Director of the California Department of
21 Public Health and State Registrar of
Vital Statistics; LINETTE SCOTT, in her
22 official capacity as Deputy Director of
Health Information & Strategic Planning
23 for the California Department of Public
Health; PATRICK O'CONNELL, in his
24 official capacity as Clerk-Recorder for
the County of Alameda; and DEAN C.
25 LOGAN, in his official capacity as
26 Registrar-Recorder/County Clerk for
the County of Los Angeles,

27
28 Defendants.

Case no. 09-CV-2292 VRW

**APPLICATION FOR LEAVE
TO FILE BRIEF *AMICUS CURIAE*
OF THE ETHICS AND RELIGIOUS
LIBERTY COMMISSION OF THE
SOUTHERN BAPTIST CONVENTION**

Chief Judge Vaughn R. Walker
Courtroom 6

Hearing: No hearing set

1 Proposition 8 Official Proponents,)
 DENNIS HOLLINGSWORTH, GAIL J.)
 2 KNIGHT, MARTIN F. GUTIERREZ,)
 HAK-SHING WILLIAM TAM,)
 3 MARK A. JANSSON; and)
 PROTECTMARRIAGE.COM-YES ON 8,)
 4 A PROJECT OF CALIFORNIA)
 RENEWAL,)
 5)
 6 Defendants-Intervenors.)

7
8 **TO CLERK OF COURT AND ALL PARTIES AND COUNSEL OF RECORD:**

9 PLEASE TAKE NOTICE that the Ethics and Religious Liberty Commission of the
10 Southern Baptist Convention hereby applies to the Court for leave to file the brief
11 *amicus curiae* served and filed herewith. The application is based on this motion and
12 the attached points and authorities. Applicant requests that the matter be set for
13 hearing at a date, time and location to be ordered by the Court, if a hearing is required.
14

15 **I. STANDARD FOR LEAVE TO FILE BRIEF *AMICUS CURIAE***

16 The Court has broad discretion to permit third parties to participate in an action
17 as *amicus curiae*. *Gerritsen v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir.
18 1987). Participation of *amicus curiae* may be particularly appropriate where the legal
19 issues in a case have potential ramifications beyond the parties directly involved or
20 where an *amicus curiae* can offer a unique perspective that may assist the Court.
21 *Sonoma Falls Developers, LLC v. Nevada Gold & Casinos, Inc*, 272 F. Supp.2d 919,
22 925 (N.D. Cal. 2003).
23
24

25 **II. STATEMENT OF IDENTITY AND INTEREST OF *AMICUS CURIAE***

26 The Ethics and Religious Liberty Commission (ERLC) of the Southern Baptist
27 Convention works to address the social and moral concerns of Southern Baptists and
28 the implications of these concerns for public policy at the local, state and national levels

1 with particular attention to their impact on American families and their faith. The
2 Southern Baptist Convention is the largest non-Catholic denomination in the nation with
3 over 16 million members.
4

5 **III. BENEFITS OF THE EXPERTISE OF *AMICUS CURIAE* TO THIS COURT**

6 As representatives of one of the largest Christian denominations in the United
7 States, the ERLC is uniquely positioned to inform the Court concerning the nature of
8 religious support for Proposition 8 and to explain why such support does not constitute
9 animus against any person or group of persons.
10

11 **IV. CONCLUSION**

12 Wherefore, the Ethics and Religious Liberty Commission of the Southern Baptist
13 Convention requests leave of Court to submit the accompanying brief *amicus curiae* in
14 support of Defendant-Intervenors in this action.
15

16
17 January 8, 2010

18 /s/

19 _____
20 David L. Llewellyn, Jr.
21 Attorney for *Amicus Curiae*,
22 Ethics and Religious Liberty Commission
23 of the Southern Baptist Convention
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PROOF OF ELECTRONIC SERVICE

I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where the document(s) described below were served. My business address is 5530 Birdcage Street, Suite 210, Citrus Heights, California 95610. I served the document(s) described below on the interested parties in this action by filing them electronically with the United States District Court for the Northern District of California using the Electronic Court Filing (ECF) system.

Date of service: January 8, 2010
Location of service: Citrus Heights, California

Description of document(s): APPLICATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE ON BEHALF OF THE ETHICS AND RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION

Addressee(s): See attached Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Citrus Heights, California, January 8, 2010.

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