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7	Attorneys for Amici Curiae	
8	UNITED STATES I	DISTRICT COURT
9	NORTHERN DISTRIC	CT OF CALIFORNIA
10		
11	KRISTIN M. PERRY, SANDRA B. STIER, PAUL T. KATAMI, and JEFFREY J.	No. 09-CV-2292 VRW
12	ZARRILLO,	AMENDED MOTION FOR LEAVE TO FILE AN AMICI CURIAE BRIEF BY THE
13	Plaintiffs,	ASIAN LAW CAUCUS, ASIAN AMERICAN JUSTICE CENTER, ASIAN
14	CITY AND COUNTY OF SAN FRAN- CISCO,	PACIFIC AMERICAN BAR ASSOCIA- TION OF LOS ANGELES COUNTY,
15	Plaintiff-Intervenor,	ASIAN PACIFIC AMERICAN LEGAL CENTER, ASIAN PACIFIC BAR
16	V.	ASSOCIATION OF SILICON VALLEY, ASIAN PACIFIC ISLANDER LEGAL
17	ARNOLD SCHWARZENEGGER, in his	OUTREACH, BIENESTAR HUMAN SERVICES, CALIFORNIA STATE
18	official capacity as Governor of California; EDMUND G. BROWN, JR., in his	CONFERENCE OF THE NAACP, COALITION FOR HUMANE
19	official capacity as Attorney General of California; MARK B. HORTON, in his official	IMMIGRANT RIGHTS, JAPANESE AMERICAN BAR ASSOCIATION, LA
20	capacity as Director of the California Department of Public Health and State Registrar of	RAZA CENTRO LEGAL, MEXICÁN AMERICAN LEGAL DEFENSE AND
21	Vital Statistics; LINETTE SCOTT, in her official capacity as Deputy Director of Health	EDUCATION FUND, NATIONAL BLACK JUSTICE COALITION, SOUTH ASIAN
22	Information & Strategic Planning for the California Department of Public Health;	BAR ASSOCIATION OF NORTHERN CALIFORNIA AND ZUNA INSTITUTE;
23	PATRICK O'CONNELL, in his official capacity as Clerk-Recorder for the County of	AND [PROPOSED] ORDER
24	Alameda; and DEAN C. LOGAN, in his official capacity as Registrar-Recorder/County	Judge: Chief Judge Vaughn R. Walker Dept.: Courtroom 6, 17th Floor
25	Clerk for the County of Los Angeles,	3, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2,
26	Defendants,	
27	and	
28	PROPOSITION 8 OFFICIAL PROPONENTS	

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

Defendant-Intervenors.

The Asian Law Caucus, Asian American Justice Center, Asian Pacific American Bar Association of Los Angeles County, Asian Pacific American Legal Center, Asian Pacific Bar Association of Silicon Valley, Asian Pacific Islander Legal Outreach, Bienestar Human Services, California State Conference of the NAACP, Coalition for Humane Immigrant Rights, Japanese American Bar Association, La Raza Centro Legal, Mexican American Legal Defense and Education Fund, National Black Justice Coalition, South Asian Bar Association of Northern California and Zuna Institute (collectively "Amici") respectfully move this Court for leave to file an *amici curiae* brief in support of Plaintiffs in the above captioned case (the "Action").

This Court has broad discretion to appoint *amici curiae*. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). In submitting this brief, *Amici* hope that the legal arguments and empirical data provided will be of assistance to the Court in determining the extent to which the pervasive prejudice against gay men and lesbians impedes their ability to rely on traditional political processes used to protect a minority from discriminatory state action so as to warrant heightened judicial scrutiny of Proposition 8 under the Equal Protection Clause of the United States Constitution.

A central objective of all *Amici* is to protect constituencies who, as a result of their minority status, are at risk of being deprived of fundamental rights through the will of the majority, including the right to marry. Indeed, many of the *Amici* represent communities that have faced marriage discrimination in the past in the form of anti-miscegenation laws. Furthermore, the nearly 1.2 million individuals living in same-sex couples in the U.S. come from diverse racial, ethnic, religious and social backgrounds and are also members of the civil rights organizations, community groups and bar associations that have joined as *Amici* in this brief. *See* Rubenstein,

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1	Sears and Sockloskie, The Williams Project, UCLA School of Law, Some Demographic		
2	Characteristics of the Gay Community in the United States, at 3 (2003).		
3	Amici are concerned that enactment of Proposition 8's ban on same-sex marriage allows a		
4	bare political majority to enshrine discrimination into the California Constitution against a class		
5	of persons otherwise accorded heightened judicial scrutiny under California law. Amici believe the		
6	use of the referendum process to deprive gay men and lesbians of a fundamental right without		
7	the protection of heightened scrutiny raises the likelihood that other classes protected under		
8	California law—including classes defined by race, ethnicity, national origin or gender—may be		
9	similarly deprived of long established civil rights. <i>Amici</i> share a common interest in ensuring that		
10	the fundamental right of protected classes to be free from discrimination is not at the mercy of		
11	an electoral majority's whims.		
12			
13	DATED: February 3, 2010		
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15	Respectfully submitted,		
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17	By: /S/ Peter Obstler		
18	Bingham McCutchen LLP Peter Obstler		
19	Attorneys for Amici Curiae		
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21	[PROPOSED] ORDER		
22	<u> </u>		
23	Good cause appearing, <i>Amici</i> 's request for leave to file an <i>amici curiae</i> brief is		
24	GRANTED.		
25			
26	Hon. Vaughn R. Walker		
27	United States District Court Judge		
28			