

COPY

Case No. S168047

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Karen L. Strauss, et al.,

Petitioners,

v.

Mark D. Horton, as State Registrar of Vital Statistics, etc., et al.,

Respondents;

Dennis Hollingsworth, et al.,

Intervenors.

**APPENDIX OF EXHIBITS IN SUPPORT OF BRIEF OF AMICI CURIAE
INDIVIDUAL CHAPMAN UNIVERSITY ORGANIZATIONS, FACULTY,
STAFF, AND STUDENTS, ORANGE COUNTY EQUALITY COALITION, AND
OTHER ORANGE COUNTY COMMUNITY MEMBERS INCLUDING
LEGALLY MARRIED SAME-SEX COUPLES, IN SUPPORT OF PETITIONERS**

VOLUME 1 OF 1 (PAGE NOS. 1 - 42)

RONALD STEINER (SBN 198869)
M. KATHERINE BAIRD DARMER
(SBN 236688)
RICHARD FAULKNER (SBN 237409)
JENNY CAREY (SBN 227605)
KURT EGGERT (SBN 115552)
JOHN HALL (SBN 214196)
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Additional Counsel And Full List of Amici Curiae Set Forth on Next Page

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Amici Curiae's Appendix in Support of Petitioners
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DECLARATION OF KARLA BLAND

I, KARLA BLAND, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 41 years old and work for a telecommunications company. My wife, Laura Kanter, is 44 years old. I was born in Germany and until moving to California in 1999, spent a majority of my life in Texas where I also attended college. My wife was born in New York but was raised in California where she also attended college.

3. Laura and I met in Laguna Beach, California. After dating for a month, we knew that we were a part of something special and were experiencing a bond and connection that neither one of us had experienced before. We knew that we wanted to be together. We have been in a committed relationship for 7 and half years and share a home in Irvine, California, which we purchased together in 2003. In order to bring official recognition to our relationship, we registered as domestic partners on April 14, 2004, believing at the time that this would be our sole means of gaining acknowledgement from the state of our committed love and devotion to one another. We celebrated with a weeklong trip to San Francisco.

4. Over the next few years, Laura and I often spoke about planning a commitment ceremony in order to share our union with family and friends. Then, on May 15, 2008, when the Supreme Court of California ruled that gay and lesbian couples could legally marry, we realized that we were now being granted the same right to have our relationship fully recognized and protected by the state. After spending many stressful and joyous-filled days and weeks planning a wedding, Laura and I were married on August 8, 2008. In front of family and friends, some

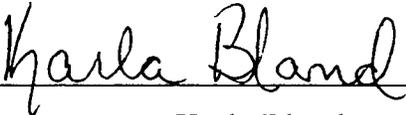
of whom flew in from Texas and New York, we were allowed to remove the label of second class citizen.

5. Neither Laura nor I expected to experience the emotions we felt after our wedding. We were in a committed relationship and registered as domestic partners, which some may think should be “good enough” for gay and lesbian couples. Being married, however, gave us a sense of protection that neither one of us felt before. Our love and commitment to each other were strong and deep before we got married yet seemed even stronger and deeper afterwards.

6. The results of the election were bittersweet for me. Being a black woman with parents who grew up in South Carolina and who personally had experienced the cruelty of segregation and blatant bigotry during an extremely volatile time in our nation, there was sense of joy for them with the election of our 44th president. My parents never thought they would live to see this day. At the same time, I was saddened and truly disappointed that someone felt that I was not deserving of the same rights and protection under the law because of my sexual orientation. I have felt the sting of bigotry in the past because of the color of my skin, yet I never felt less of a person after someone consciously spewed his or her feelings of intolerance towards me. Ultimately, no matter what was said to me as a black woman, I knew that I had the same rights and protections that they did, regardless of how they felt. My hope is that one day, Laura and I and all gay and lesbian couples who are married or wish to marry, will have the opportunity to feel the same with regard to fundamental rights for gays and lesbians.

7. I am a member of the Orange County Equality Coalition, which works for equal rights for all.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.



Karla Bland

DECLARATION OF TIFFANY CHANG

I, TIFFANY CHANG, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 27 years old and a law student at Chapman University School of Law. My wife, Lindsey Etheridge, is 32 years old. We were both raised and attended college in California, where we now live together in Long Beach as a legally married couple.

3. Lindsey and I met through work in Costa Mesa, California. We have since been in a committed relationship for almost 5 years. After about three years of getting know each other, travelling together, becoming more a part of each other's life, and falling more deeply in love, we began to think about marriage. We spent many nights discussing all aspects of having a wedding ceremony including legalities, politics, and family. But, when we put aside all the negatives from sources outside of ourselves, what we wanted was to marry each other. As the sun began to set on December 13, 2006, Lindsey asked me to marry her, and I said "yes."

4. Although our marriage was not legally recognized in California at the time, on July 14, 2007, Lindsey and I had a wedding ceremony and reception at our church in Long Beach in front of 100 of our close friends and families. That was one of the happiest and most significant days of my life. Our strong relationship felt even more secure, solid, and protected.

5. Shortly after our ceremony, we moved to New York City for my first year of law school. Nine months later on May 15, 2008, California ruled in favor of marriage equality. On the 1-year anniversary of our ceremony, on July 14, 2008, Lindsey and I flew back to get our official

marriage paperwork from the Clerk's office. I walked out with my head held higher than I thought was even possible. That feeling extended far beyond the feeling I described after my wedding. And it was a feeling I could not have imagined losing or having taken away.

6. One month later, Lindsey and I moved back to California to enjoy having a legal status that was equal to our neighbors. And sure enough, the minute our car insurance agent figured out we were legally married, he informed us that our rate would be reduced by half. During the time we spent as domestic partners sharing one insurance policy, we had never been treated as anything more than sharing an address. In that small gesture, we realized that gay and lesbian people were finally gaining equality, and that this recognition of gay and lesbian relationships meant that we did not have to worry quite as much about every detail of our future together.

7. On November 4, 2008, Lindsey and I walked to our polling station at 6:15 a.m. and waited to vote no on stripping a minority group of their equal rights--to vote no on Proposition 8. That night, our eyes were glued to our computer and my finger was continuously hitting refresh to see the poll numbers come in for Proposition 8. The next morning, we awoke to the most shocking and reprehensible news that Proposition 8 had passed.

8. I felt like someone punched me in the stomach and knocked the wind right out of me. I did not go to class that day. In fact, I barely got out of bed. I went to school the following day for a couple morning classes, dreading being there and seeing anyone, but when I got home, I cried. For a week or so after the election, both Lindsey and I found ourselves unable to look at people, especially strangers, in the eye. I would literally look down at the ground if I was passing someone on the sidewalk. Part of it was anger, but the other part was feeling ashamed and embarrassed. I felt like

people might be thinking, “see, you were wrong, you are less than me,” or maybe they would actually say it to my face.

9. Even though our legal marriage is supposedly intact, I am now worried when Lindsey is out without me, and scared when we are holding hands in public, that people will take the passage of Proposition 8 as a societal and governmental sanction for treating people differently. Although physical and verbal assaults are illegal expressions, I know that when a person feels that they have a right to treat another group differently, it happens anyway. As every minority group knows, that is a heavy burden we must shoulder when no one should have to.

10. Unless Proposition 8 is invalidated, I will have a grave choice to make in the future. In less than two years when I plan to be admitted to the California state bar, I will either have to swear to support the California Constitution that does not fully protect gays or lesbians, or surrender my livelihood. This revision to the Constitution was completely unanticipated when I signed up for law school, and my only hope is that the integrity of the state Constitution is restored by the Court before the day I must make my choice.

11. I look forward to the time when this struggle for marriage equality is behind us, so that Lindsey and I can focus all of our attention on our love and commitment to each other and the family we have created.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 13, 2009.



Tiffany Chang

DECLARATION OF M. KATHERINE BAIRD DARMER

I, M. KATHERINE BAIRD DARMER, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 44 years old and a professor of law at Chapman University School of Law. I have lived in Orange County, California since 1999.

3. I graduated from Columbia Law School in 1989. As a student, I worked in a clinic dedicated to the rights of people with AIDS, which sharpened my awareness of discrimination faced by members of the LGBT community.

4. Throughout my adult life, I have had many close friends who are gay and lesbian. I have observed many of those friends react with anger, confusion, depression and sadness in the wake of Proposition 8.

5. I married my husband Roman E. Darmer, II on December 18, 1999 in New York City. We were married at the Riverside Church by the Rev. James Forbes, who was an outspoken proponent of the rights of the LGBT community and who performed marriages in that church without regard to sexual orientation. Because my husband and I have many friends who are gay and lesbian, it was important to us that we marry in a place that also performed religious wedding ceremonies for same-sex couples despite the fact that the civil marriage rights of gays and lesbians is not yet recognized in New York.

6. Following service as an Assistant United States Attorney in the Southern District of New York from 1995-1999, I accepted a position as a visiting professor of law at Chapman in 1999, which ripened into a

tenure-track appointment in 2000. I was granted tenure and the status of professor in 2006.

7. In June 2005, I was admitted to the California State Bar. Chapman University School of Law had a tradition of holding swearing-in ceremonies in one of the law school's beautiful courtrooms with a state court judge presiding. I proudly stood with many of my former students to take the oath to defend the federal and state constitutions. At that time, the California State Constitution did not contain any discriminatory provisions, and I had no reservations whatever about taking the oath. Indeed, taking the oath recalled to me, with pride, the earlier oath I had taken as an Assistant United States Attorney and how meaningful it had been to be a part of a system to support and defend important equal protection and due process protections while serving as a public servant.

8. I currently teach criminal procedure, evidence and advanced evidence, and my teaching includes reference to equal protection norms as well as California constitutional provisions. My written scholarship has also addressed these matters. Because I am a full-time professor, I did not practice law for several years. However, after Proposition 8 passed, I re-activated my bar membership specifically to provide legal advice to the fledgling Orange County Equality Coalition, amicus, and to take legal action against Proposition 8, which I view as illegal and invalid. Should Proposition 8 be upheld, however, I suppose one could argue that any continuing efforts to make legal arguments against Proposition 8 or to support marriage equality in this state would be in defiance of my oath to "support" the California Constitution. This seems fundamentally inconsistent with important equal protection norms and the important role of lawyers in fighting for social justice.

9. I have been a consistent proponent of diversity in admissions and faculty appointments at Chapman, and firmly believe that the academy is strengthened by diversity, including sexual orientation diversity, in the student body and faculty. As teacher and scholar, I have observed that students and faculty members are likely to be less open regarding their sexual orientation when they do not believe that their rights to equal protection will be zealously safeguarded.

10. I am a co-faculty sponsor of Chapman Outlaw, a law school organization comprised of LGBT students and straight allies, which is dedicated to the interests of the LGBT community. As more fully set forth in the Declaration of Emily Wilkinson, that organization and its membership have been directly and significantly harmed by the passage of Proposition 8.

11. I worked for the “No on 8” campaign on Election Day. On that day, I and other electioneers, including electioneers who are gay and lesbian, were at times subjected to obscene and/or hateful gestures and ridicule. After appearing more recently on a radio show advocating same-sex marriage, I was subjected to homophobic slurs based on the assumption that I was a lesbian. It is plain to me that anti-gay sentiment remains prevalent in our society, increasing the need for protection of this minority group.

12. On November 9, 2008, I joined others from the “No on 8” campaign in Orange County to form the Orange County Equality Coalition.

13. I have participated in numerous legal forums related to Proposition 8 since the election. Those forums have been attended by, among others, gay and lesbian individuals who understand that Proposition 8 proponents are trying to use Proposition 8 to invalidate their marriages. Domestic partnerships do not bestow the same dignitary interests as

“marriage” and I have observed that gays and lesbians who have been legally married react with palpable concern and deep sadness over the notion that proponents of Proposition 8 are seeking to invalidate their marriages.

14. As an educator deeply committed to equal protection, it is intensely disturbing to witness the impact of an unprecedented attempt to “amend” the Constitution to deprive a protected class of a fundamental right.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 13, 2009.



M. Katherine Baird Darmer

DECLARATION OF BARBARA JEAN (“BJ”) DAVIS

I, BARBARA JEAN (“BJ”) DAVIS, declare as follows:

1. I have personal and first hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

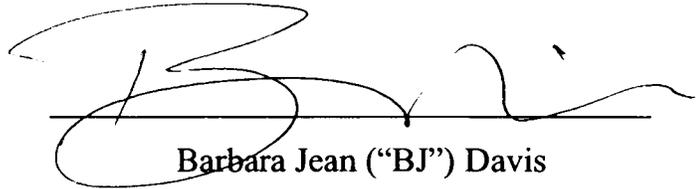
2. I am the Chairman of the Board of Orange County Equality Coalition (“OCEC”). OCEC was formed November 8, 2008 and is dedicated to attaining equality for all, including marriage equality for same-sexed couples. OCEC has over 350 members.

3. Several OCEC members married their respective same-sex spouses in California during the period of June 16, 2008 through November 4, 2008. OCEC has members in same-sex marriages that feel that they are at risk of financial and emotional burden if their marriages were deemed invalid (e.g., universal and social recognition, medical decision-making, tax benefits, etc).

4. OCEC has members who are in committed same-sex relationships who wish to marry, but were unable to during June 16, 2008 through November 4, 2008, or who may want to marry in the future. OCEC also has members who are in a same-sex relationship and want to have children in the future. An important element for them in raising a child is to do so in a legally recognized marriage. OCEC has members who are straight allies who have family members and friends who are in same-sex marriages or who may wish to marry in the future. OCEC also has members who are straight allies dedicated to protecting fundamental constitutional rights such as marriage equality. OCEC has members from religious congregations where same-sex marriages have been and continue to be performed in their places of worship. They want all marriages legitimized.

7. If Proposition 8 were to be upheld, it would directly and inequitably harm OCEC members. If same-sex marriages filed during the period of June 16, 2008 through November 4, 2008 are invalidated it would devastate, including, emotionally and financially, OCEC members.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.



Barbara Jean ("BJ") Davis

DECLARATION OF JOHN DUMAS

I, JOHN DUMAS, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 46 years old and work for a consulting firm, Bert L. Howe & Associates, Inc. My husband, James Nowick, is 44 years old, and is a Professor of Organic and Bioorganic Chemistry at the University of California, Irvine. We met in the Commonwealth of Massachusetts in 1986 and have lived together in California since 1991. Ours is a relationship of more than two decades.

3. James and I met through chance at a social event held at MIT where he was then a graduate student. At the time of our meeting, no state had any legal recognition for same-sex couples. Over the years, we became part of each others families. Our lives have become intertwined over the years to the extent that some of my interests have had an effect on James's scientific research.

4. When California introduced the Domestic Partner Registry, we initially declined to register as Domestic Partners. At the time the registry was established the benefits did not seem to merit the cost and process of registering as Domestic Partners.

5. Due to changes in the Domestic Partnership law, we decided on January 12, 2002 to register as Domestic Partners, although we considered this status to be secondary to actual marriage. The signing process was witnessed by a pair of acquaintances and performed with no ceremony whatsoever. Our Domestic Partnership was registered with the state on January 18, 2002. The process lacked any emotional resonance and we did not inform family or friends that we had registered. Moreover, the

status of Domestic Partnership in regard to employee benefits was always murky, in one case requiring us to obtain the assistance of a lawyer to clarify a benefits issue.

6. After the *Goodridge* decision in Massachusetts, James asked me to marry him. Although most non-resident couples could not marry in Massachusetts, fortunately, our connection to Massachusetts put us into one of the categories of same-sex couples not domiciled in the state who could marry.

7. We were married in the city of Cambridge, Massachusetts on August 14, 2004. We wrote out a great number of letters inviting people to join us for this occasion. Our wedding ceremony was attended by family and friends. After our stay in Massachusetts, visiting family and friends, we returned to our home in California where James's parents held a reception in their home for people who had not been able to travel to Massachusetts for our wedding ceremony. There was great interest amongst our family members in the wedding. We were both welcomed to each others families, even though we had been a couple for eighteen years at the time.

8. At the end of our trip to Massachusetts, we left with some sadness, knowing that we were entering Logan Airport as a recently married couple, but that when we landed at John Wayne Airport, California would see us only as Domestic Partners. On subsequent trips to Massachusetts, we would joke how our marriage had suddenly become visible.

9. When the California Supreme Court announced that same-sex couples would have the right to marry, we were elated. Our marriage was now recognized by our state of primary residence. Many of our friends asked if we would get married again, now that California permitted same-sex couples to marry. We noted to them that you cannot obtain a marriage

license from the state while holding a license from another state. We did think about having a member of the clergy perform a blessing of our marriage.

10. On November 4, 2008, James and I walked to our polling station and voted no on Proposition 8. That night we threw an election party. Our friends and we were elated by the success of Mr. Obama, but then dejected when it became likely that Proposition 8 would succeed. After the party, we kept checking the results until we went to sleep, hoping that as more precincts were counted, the numbers would change in our favor. Instead, in the morning, it was clear that Proposition 8 had taken a basic civil right away from a group of people. Over the next few days, I received words of consolation from family, friends, and coworkers.

11. Our legal marriage was performed under the laws of the Commonwealth of Massachusetts. Our supposition is that the State of California cannot nullify this marriage, although the lack of State recognition of our marriage brings with it the implication that the State sees our marriage as somehow undesirable. Opponents of same-sex marriage typically compare same-sex couples to combinations that are in violation of the penal code. I worry for my continued civil rights given the view of LGBT people Proposition 8 seems to place into the Constitution. We are again in a situation where several states see us as married while our state of primary residence sees us as unrelated persons. This is a legal limbo that raises puzzling questions. Would the State of California allow me to marry another person without obtaining a divorce? Holding a legal marriage license, recognized by my state of residence, provides clarity about my status under the law.

12. I am a member of the Orange County Equality Coalition, which works for equality for all.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.

A handwritten signature in black ink, appearing to read "John Dumas", written over a horizontal line.

John Dumas

DECLARATION OF HUNG Y. FAN

I, HUNG Y. FAN, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 61 years old and am a Professor of Molecular Biology and Biochemistry, and director of the Cancer Research Institute at the University of California, Irvine. My husband Michael Feldman is 51 years old and is employed by American Express as a corporate travel agent. We met in San Diego, CA in 1980 and have been a couple for 29 years.

3. Michael and I met in a social organization, the Gay Academic Union, and within three months we had decided to share our lives together. This included a move to my current job at UCI in 1981, and over the years our lives have become fully integrated. We own real property together, and years ago registered as domestic partners with my employer, which provided us with some of the benefits accorded to married couples.

4. We have been recognized by our extended families as a couple for many years; we are invited (and expected) to attend family reunions, weddings, etc. as a couple. I am called "Uncle Hung" by Michael's nephews, and Michael is called "Uncle Michael" by my nephews and nieces. In fact, Michael is my niece's favorite uncle.

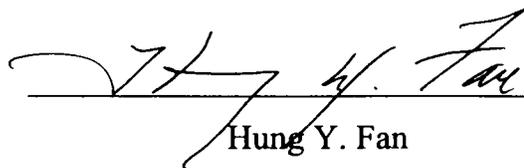
5. We were married in Irvine, California on August 31, 2008 in a formal ceremony presided over by a rabbi. We were delighted that virtually all of our immediate families on both sides attended, traveling from across the country. It was a joyous occasion, not only for us, but clearly also for our family and friends who were overjoyed that we could now enjoy the same societal validation that heterosexual married couples have had.

6. Despite having lived together for 28 years as a couple before getting married, the marriage has deepened our relationship. I would not have predicted this before getting married, but this proved to be the case – as predicted by a married heterosexual friend based on her own experience. Thus the ability to legally marry has allowed us to enrich our relationship.

7. The passage of Proposition 8 was a visceral blow. With exception of the couples married between June 16, 2008 and November 4, 2008 and despite claims otherwise, we as a group have been singled out for exclusion from the emotional and legal benefits of a major social institution – marriage.

8. As an employee of the University of California, a condition of employment includes pledging allegiance to the Constitution of the State of California. Pledging allegiance to a Constitution that now specifically excludes the right to marriage for same-sex couples creates a new and significant hardship.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.


Hung Y. Fan

DECLARATION OF DEAN INADA

I, DEAN INADA, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 52 years old and a resident of Irvine, California. I am an elected member of the Orange County Democratic Central Committee, 70th Assembly District. Duties of committee members include attending chartered Democratic club meetings in their assembly district areas, coordinating and assisting with year-round voter registration and encouraging and helping qualified Democrats to run for legislative positions and public offices. I have been interested in politics and issue of equal rights for many years and do not wish to leave my position as an elected committeeperson.

3. When I filed paperwork to run for this office in 2006, I swore what appeared to be a standard oath to “support and defend” the California Constitution “without any mental reservation.” I was sworn in on January 2007. At the time the oath was administered, the California Constitution did not contain any discriminatory provisions.

4. Since the passage of Proposition 8 on November 4, 2008, the requirement that I “support and defend” the California Constitution “without any mental reservation” has left me with a crisis of conscience because in fact I have grave reservations about the requirement that I do anything to “uphold” or “defend” a part of the Constitution that strips away a fundamental right from a protected minority group. I have always upheld the Constitution of the United States and the Constitution of the State of California as a means of protecting civil rights, not of denying them. In

addition, I am a member of the Orange County Equality Coalition, which works for equality for all, including marriage equality for the LGBT community.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.



Dean Inada

DECLARATION OF SAMANTHA KOHLER

I, SAMANTHA KOHLER, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 21 years old and a law student at Chapman University School of Law in Orange, California. I am a resident of Laguna Niguel, California. I am “straight” and feel safe displaying my sexuality. However, the passing of Proposition 8 has directly affected me and my family. Proposition 8 is not just a gay issue. It is a family issue.

3. My parents divorced when I was in high school. My siblings and I like to say lightheartedly that it wasn’t long until both dad and mom had new girlfriends. We accepted my mom’s new girlfriend into our family with open arms and open hearts, and life went on as usual. My mom and her partner have taught me the value of authenticity, acceptance, and, most importantly, have shown me how love does not discriminate.

4. It wasn’t until the Proposition 8 campaign that I began getting actively involved in the discussion of gay rights. My mom and her partner are engaged, but they put wedding plans on “pause” to see how Prop 8 would turn out. While giving love and support to our friends who hurried to put weddings together, my moms feared that having a marriage taken away would be too devastating. People would find it odd if my boyfriend and I filed for domestic partnership or had a civil union ceremony, so I do not understand why those options would satisfy other couples.

5. As the Prop 8 campaign wore on, bumper stickers and signs for “YES on 8” were slowly enraging me. I daydreamt about telling the driver of the car next to me that I found his sticker offensive and hurtful. The more I saw “protect the kids” I couldn’t help but think, “well yes, I’m a

kid, so let my moms get married.” I was slowly getting more and more infuriated when one day at school, I broke.

6. I walked out of the law school library one afternoon and saw a “YES on 8 table” in the lobby with a poster that caught my attention. There was a cardboard cut-out of a baby saying “I have a right to have a mommy and a daddy.” Being a part of a family headed by two moms, I felt wounded to my core. I found the poster discriminatory, insensitive, and upsetting. I couldn’t imagine how it would feel to be confronted with such a table of people attacking your rights if you were gay.

7. Prop 8 has woven an indiscriminate line through my family. My dad can remarry, but my mom can’t. My sister can get married, but my gay brother can’t. And it is absurd to me that I can get married, but my mom, the person who raised me, can’t.

8. Looking forward to raising my own family, it is clear to me that this is not the environment I would like to welcome my children into. After all, who knows what their sexual orientation will be?

9. When Prop 8 passed it denied the legal recognition of many able and loving families and I felt embarrassed and hurt as a Californian and a heterosexual.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.



Samantha Kohler

DECLARATION OF MARK LAWRENCE

I, Mark Lawrence, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am a member of the Safe Space Committee of Chapman University. The Safe Space Committee is an educational and advocacy group comprised of students, staff and faculty from Chapman University. Some members of the Safe Space Committee identify as lesbian, gay, bisexual, transgender, queer or questioning, and some members of the committee identify as heterosexual allies to the LGBTQ community. Safe Space training is an educational intervention to show support for LGBTQ students and to make an environmental and cultural impact on the Chapman University campus through public display of support for this community. Through this training, particular areas or offices of the university are designated as “safe spaces,” where LGBTQ individuals can seek services, advice or aid free from discrimination.

3. Those trained through Safe Space include students, staff and faculty who are LGBTQ as well as heterosexual allies of the LGBTQ community. Over the past three years, Safe Space has trained 153 students, staff and faculty and created 153 Safe Spaces.

4. As a member of the Safe Space Committee and as the Assessment Chair, I have personal knowledge of the most recent training records of Safe Space.

5. The Safe Space Committee believes that marriage is a fundamental right provided to all California citizens, including same-sex couples, under the equal protection clause of the California Constitution.

6. Some Safe Space members and those we have trained are directly affected by Proposition 8 through the threatened removal of their legitimate right to marry the partner of their choosing.

7. Some Safe Space members and those we have trained are indirectly affected through the removal of their family members' and friends' rights to marry. For those of us who identify as allies, it is painful to watch our friends, family members and fellow people be stripped of their right to equal protection under the law. Moreover, as allies, we believe that this revision to the state constitution represents a diminishing of the rights of all Californians. We cannot expect our own freedom to be secure if we are unwilling to stand up for the freedom of others. We cannot expect tomorrow to be better, if we are unwilling to stand up for what is right today. We live in a world that is interconnected, and what affects our sisters, our brothers, our parents, our grandparents, our nieces, our nephews, our aunts, our uncles, our neighbors and friends, affects us all. Every restriction that we place on "them" is a restriction that we place on our capacity for love, compassion, and understanding; restrictions that make us all a little less free.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.

A handwritten signature in black ink, appearing to read "Mark Lawrence", is written over a horizontal line.

Mark Lawrence

DECLARATION OF LINDA J. MAY

I, LINDA J. MAY, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 59 years old, single, never married, and am semi-retired from a career in social service administration. I have been a resident of California for thirteen years and have owned a home in Orange County for twelve years.

3. I am an "out" lesbian.

4. I was thirteen when I first thought I was gay. It was as I sat in my Latin I class, thinking about the crushes I was getting on girls, and the exact words that came to me were "oh, my God, I'm a queer." I also thought that I was personally contributing to the downfall of western civilization. How a child of that age could get such complicated ideas escapes me, but it must have been a common concept in my community or I would not have thought of it.

5. For the next twelve years, I tried everything I knew how to do to not be gay. I cherished the crushes I got on boys, so much so I scared most of them off. I was romantically attracted to boys but not to any who returned my affection. In the meantime, I read everything I could get my hands on about gay, lesbian, homosexual, and bi-sexual people. With every psychology book I picked up, the first thing I did was to check the index for those words and read what they had to say. It was a painful process. What they said about me was not pleasant to read about oneself.

6. The only gay and lesbian people I knew about were the ones who fit the stereotypes, the ones who were visible. And I knew I was not like the lesbians I saw. They all looked and acted like they wanted to be

men and I was attracted to women, not women who looked like men. I concluded, at about the age of 17, that I would never have a true romantic relationship because I would never find someone attracted to me whom I was equally attracted to.

7. Despite the fact that I was not acting on my sexual impulses with women and had attempted a few romantic relationships with men, I continually feared that someone would figure out I was gay. I spent over a decade assuming that no one would like the real me.

8. One of the most self affirming, positive things I have ever done for myself was on the day it dawned on me that I had spent over a decade worrying about what other people thought of me even though the only “sin” I had committed was in my head. I concluded that if I was going to worry so much, I might as well do something to actually worry about.

9. With some searching, I found out how to meet lesbians. Within a short time I was in a serious relationship with a woman who had two children. We settled into an average, which for that era meant slightly hippy, family life. But there was always a part of me that felt like it wasn't real, that I was somehow just playing at being a family.

10. I left that relationship after a few years because I thought I had not found true love.

11. After a series of short term relationships and one long term relationship, I am still searching for my true love. I again came to the conclusion that love, as I envisioned it, was not possible. But this time I generalized more broadly to believe that love and devotion between two equals didn't really exist, or at least was so rare only a few would ever find it. I further concluded that I would never find passion and friendship with the same person because I lacked some basic relationship skill or power of attraction.

12. As progress was made in the ability of gay men and lesbians to be open, the issue of being a lesbian became less and less important to me. The more out I became, the less it affected my life, the less weight it carried. That progress is measured by significant milestones. I can remember where I was when I heard that the homosexuality had been removed from being a mental disorder. I helped gays and lesbians in Kansas City get hate crimes protection and inclusion in the human rights code of the city. I moved to California and felt the fresh air and lightness of being that came with living in an area where I could assume, for the first time in my life that it would NOT matter to someone if I were gay rather than assuming it WOULD matter. A wall dropped and I relaxed.

13. I entered into a relationship with a woman that lasted the longest of any relationship I had had, eight years. It ended when I realized that I was not getting out of it what I should expect from a primary relationship. I had settled for being with someone because it seemed right, not because I had fallen in love.

14. Not with the passing of time and the significant improvements in the lives of gays and lesbians, not with domestic partnership or other progress did my feelings about primary relationships change. Nothing significant changed in my thoughts, feelings, and beliefs about relationships and what I could expect from them until those few months when same-sex couples could marry in California.

15. The decision of the California Supreme Court granting marriage equality was real. Intimate relationships mattered to me in a whole new way.

16. I cannot fully explain why the decision had this impact on me. I had never considered marrying anyone, same sex or opposite. I had attended same-sex unions and believe they were important to those

individuals, but somehow in my mind, it was all like playing house. It was a game of pretend and I was not sure why marriage was so important to so many gays and lesbians.

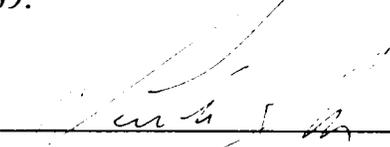
17. When I was faced with the right to marry, the very real possibility that I could some day legally marry, the idea of an intimate partnership took on a whole new meaning to me. It became weightier, more important, more serious, more permanent, more significant. And in that transition, the importance of an intimate relationship for me took on a whole new meaning, a new seriousness. Because it was possible for me to marry the person of my dreams, my belief about that relationship changed to a more sober and serious possibility. My attitude about myself and my life changed for the positive.

18. When Proposition 8 passed, it felt as if I had been thrust back to eighth grade and most of the world hated me. It stings more than the other equal rights struggles because this is a step backward; something has been taken away. Always before we were struggling to gain something, so no matter what happened, we would be no worse off than when we started. With Prop 8's passage, we experienced a setback. And it is frightening because it means reversal is possible. The next question is where will that reversal stop?

19. I do not believe that the only reason I have not found "the woman of my dreams" is lack of marriage equality, but I have come to believe, since experiencing the possibility of full legal marriage status, that I had somehow diminished the importance and the relevancy of same-sex relationships when marriage was not a legal possibility. Despite my ability to rise above society's expectations of me, I was still not able to rise above society's expectations for my relationships.

20. It is probably too late for marriage equality to have more than a psychological impact on me, but there are thousands of young gay and lesbian people in California who are currently shaping and forming their beliefs about the importance, relevancy, solemnity, and longevity of intimate relationship for themselves. Marriage equality will affirm their right to be in a long term, lasting, healthy relationship with the one they love. Anything less does permanent damage to the identity, self esteem, and opportunities for another generation of Californians.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 13, 2009.



Linda May

DECLARATION OF THOMAS J. PETERSON

I, THOMAS J. PETERSON, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 52 years old and am employed at the Riverside County Department of Mental Health. My husband, James C. Albright, whom I call Jim, is 63 years old and is a Realtor®. Jim and I live together in Newport Beach as a legally married couple and have been together for 16 years. Jim and I have brought our extended families into our lives and have close relationships with family members across generations and thousands of miles. We were married on June 17, 2008 at the Old County Courthouse in Santa Ana, California. Our close friend, Rev. Ty Rose, officiated at our ceremony on the grounds of the Old County Courthouse.

3. I was born and raised in Pittsburgh, Pennsylvania and attended the University of Pittsburgh and the University of Southern California, from which I earned a Masters Degree in Business Administration.

4. Jim and I met as community activists and, over the years, have traveled extensively together, owned property together, and involved ourselves in our local community in a number of ways. As a couple we have shared the closeness and treasured memories of family weddings and reunions, the feelings of grief and loss at the death of parents, cherished friends and family members, and the breadth of ordinary experiences that strengthen the bonds of any relationship that extend from high school reunions and block parties to football games and charity events. Each of us has faced life threatening illnesses and found support and comfort from each other when confronted with the most serious of health situations.

Referring to ourselves as domestic partners and calling our relationship a domestic partnership or civil union does not begin to express the seriousness and degree of commitment that is evident in our relationship. Although our relationship has been embedded with all of the rich characteristics of marriage, it continued to be labeled as something less than and unequal until the California Supreme Court ruling in May 2008.

5. We became registered domestic partners in California in January 2000 and availed ourselves of the benefits associated with that status. While being no substitute for marriage and carrying with it the vague and austere title of domestic partners, we viewed this step as progress toward marriage equality.

6. We talked often in the first years of our relationship about getting married. Those discussions, however, revolved more around whether we thought there would be marriage equality in our lifetime than the legal and constitutional considerations of marriage equality. We considered ourselves to be married in every sense of the word. Those around us, including our friends and family members, likewise considered us to be a married couple although they understood the very real fact that we were barred from being considered a legally married couple and were prohibited from enjoying the protections and rights associated with legal marriage. Nevertheless, we lived our lives in a way that is consistent with the married couples we admired and respected.

7. In February 2004, we traveled to San Francisco to join the thousands who were married in that amazing effort to establish marriage equality. We were thrilled to have been part of this historic occasion and were equally crestfallen when those marriages were nullified. We had finally succeeded in something we had wanted for so long only to have that

marriage be invalidated. For a short time, we knew the feeling of marriage that had eluded us for so many years.

8. It was in crossing these many hurdles that we came to more fully understand the spectrum of meanings that surround marriage. We came to appreciate the very significant aspects of respect and community standing that are conferred by legal marriage and, more importantly, the intangible qualities that are synonymous with marriage. Some of the most meaningful of these intangible qualities are the importance, legitimacy and respect that society accords its members who are married. A couple that is legally married enjoys the benefit of all of the hopes and dreams that are shared by couples in a loving, committed relationship along with the expectations and responsibilities that society also confers on married couples. A couple that is legally married carries the tacit approval of their relationship by society and the unspoken understanding of the content and seriousness of their relationship. A couple that is legally married understands that incredible feeling of genuine acceptance and caring that is so basic, and so often taken for granted, that I have felt when a friend simply inquires about Jim. A domestic partnership or civil union cannot begin to describe all of the layers of meaning that are inseparable from the understanding our society has of marriage. To insist that a different legal status be substituted for my marriage is to deny something that is so basic to my existence and so integral to who I am that it would detract from me as a human being and would discard something that is a core element of my life.

9. Following the Court's recognition of the right for same-sex couples to wed and our June 17th marriage in Santa Ana, we held a reception at our home on September 28, 2008 to celebrate our marriage and to bring our circle of friends and family closer together. The reception was

attended by family members from as far away as Pittsburgh, Pennsylvania and by neighbors as nearby as two doors down the street. Several cousins were brought together that had not seen each other in 41 years. Family friendships that spanned eight decades were rekindled when several guests joined me to recognize our parents who had been childhood friends in the 1920s and 1930s. A marriage brings together families and creates bonds that span lifetimes and generations.

10. Jim and I participated in the “No on 8” campaign by volunteering, by making financial contributions, and by being visible and outspoken about marriage equality whenever and wherever possible. Guests at our wedding reception were encouraged to make a contribution to the “No on 8” campaign in lieu of any gifts. More than 75 people attended the reception at our home.

11. Jim and I were confronted by visual and verbal opposition to marriage equality from our neighbors, with one neighbor indicating in the newspaper that he thought that gay marriage was immoral. Other neighbors that were previously assumed to be supportive of us and respectful of our relationship indicated their opposition to marriage equality by posting Yes on 8 signs on their homes and in their yards.

12. While the opposition to and disapproval of our recent marriage relationship was evident and palpable from certain neighbors, there was also an outpouring of support, understanding and approval from other neighbors who, both publicly and anonymously, stated their unqualified acceptance of our marriage.

13. The passage of Proposition 8 stunned Jim and me. We could not believe that California voters could be induced to vote to disrespect our relationship and institutionalize discrimination in the California Constitution by establishing gay people as being unequal in the eyes of the

law and undeserving of the same rights as other Californians. In our own lives and those of friends, we have observed the scars and real damage, measured in human terms and human lives, that have come in the wake of the passage of Proposition 8. It continues to escape our understanding how extending marriage equality to others could do anything but strengthen and reinforce the institution of marriage in our society and culture.

14. I have worked for many years as an advocate for others, whether promoting access to healthcare for all people, increasing affordable housing for the working poor, expanding access to healthcare and services for people living with HIV, reducing stigma for those living with mental illness, establishing supportive housing for the chronically homeless and mentally ill, and defending and upholding the rights of all people, most particularly minorities, to share equally in the rights and opportunities provided by government. I have never accepted “that’s the way it has always been” as justification for maintaining an unjust status quo or limiting the horizons and aspirations of anyone. The passage of Proposition 8 has sharpened my focus on the importance in our civil discourse of taking care so that the most vulnerable and those least able to protect their rights enjoy equal access to the rights and protections that others take for granted.

15. For all of the reasons mentioned above and for the most compelling reason I can imagine, the safety and sanctuary that marriage provides to people that love each other, I join with others who work to overturn the passage of Proposition 8, to maintain the legally married status of the approximately 18,000 same-sex couples, including Jim and myself,

that were legally married in 2008, and to provide the opportunity for marriage to other same-sex couples.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.



Thomas J. Peterson

DECLARATION OF JEFFREY L. VAN HOOSEAR

I, Jeffrey L. Van Hoosear, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 48 years old and am an attorney and partner in a law firm in California. My husband, Gregory T. McCollum, is 45 years old, and is a stay at home dad. We met in Costa Mesa, California in early December 1990 and have lived together in California since December 1990. We have been together for eighteen years.

3. Greg and I bought a house together in Santa Ana, California in July 1994 as tenants in common. Such ownership does not provide for a right of survivorship. Although we had been together for over three years, we were not able to have a civil marriage, and thus were not able to own the property with a right of survivorship as married couples are allowed to do.

4. Greg and I were married in San Francisco on February 25, 2004. Unfortunately, this marriage was so rushed that we were not able to have any family attend. Also unfortunately, this marriage was later invalidated.

5. On February 27, 2004, two days after we were married, Greg and I became parents when our adopted son, Lucas McCollum-Van Hoosear, was born.

6. Greg and I decided that we needed to take legal steps to preserve and protect our rights as a couple and as parents. We met with an attorney who set up trusts, living wills, medical powers of attorney and plans for Lucas' care. We also decided to register as Domestic Partners. Our Domestic Partnership was registered with the State of California on

September 29, 2004. The legal and registration process we undertook lacked emotion, and we only informed a few family and friends that we had registered.

7. As our life continued, Greg and I bought additional property (as separate individuals and not as a married couple) and became parents again with the birth of our adopted daughter, Kate Olivia McCollum-Van Hoosear on April 11, 2008.

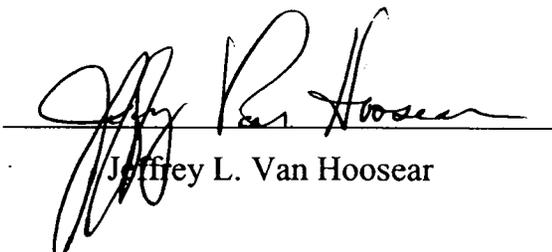
8. When the California Supreme Court announced that same-sex couples should have the right to a civil marriage, Greg and I were elated. We quickly decided that we would marry, and we made an appointment with the Orange County Clerk's office for June 17, 2008. I was able to get us the first appointment for the day. What an incredible day that was for us, our two children, our family and our friends. We were so happy that our children would be able to say that their parents were "married" just as their friends are able to say. It meant a lot to both of us for our children to be seen as equals with their peers.

9. On November 4, 2008, Greg and I went to our polling station, which is at the same Methodist church where our son attends pre-school, and we voted no on Proposition 8. That night we went to an election party hosted by friends in our neighborhood. We became deeply saddened when it became clear that Proposition 8 was likely to succeed. As the night wore on, we stayed up to keep checking the results in the hopes that the numbers would change. By the morning of November 5, 2008, it had become clear that Proposition 8 was set to pass and that the right for same-sex couples to marry would be taken away by a simple majority vote. Over the next few days, I was depressed and very emotional. I stayed away from the office as much as I was able, and kept my door closed to avoid having to interact with anyone. Although I did receive very kind words of consolation from

many family, friends, and coworkers, it only seemed to make me more depressed and more emotional.

10. My civil marriage to Greg was performed under the laws of the State of California pursuant to a ruling of the California Supreme Court. I understand that lawyers for Proposition 8 are also arguing that my civil marriage should be nullified. The implication that my civil marriage is somehow a threat to the civil marriages of others is of significant concern. I both worry for my and my husband's civil rights, and those of our children, given the discrimination that Proposition 8 placed into the Constitution of the State of California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Irvine, California on January 12, 2009.


Jeffrey L. Van Hoosear

DECLARATION OF EMILY WILKINSON

I, EMILY WILKINSON declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am an officer of Outlaw. Outlaw is a student organization that promotes the interests of gay, lesbian, bisexual and transgender students, faculty and staff members, and allies at Chapman University School of Law. Outlaw is a collaborative of law students, faculty and staff that work with the law school and surrounding community to foster and maintain both a learning environment and general environment that is supportive, positive, and safe for sexual and gender diversity. Outlaw and its members wish to preserve the fundamental right to marry for same-sex couples in California.

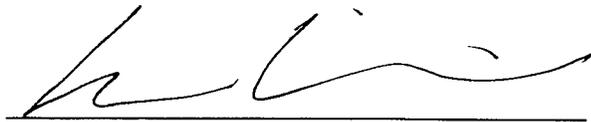
3. Outlaw has one member who married her same-sex spouse in California during the period of June 16, 2008 through November 4, 2008. Outlaw also has student members who are in committed same-sex relationships and individuals who wish to be able to exercise the right to marry in the future. In addition, Outlaw has student members who have same-sex parents and other family members who wish to marry in the future. Outlaw also represents the inevitable future generations of students that will attend Chapman University School of Law.

4. If Proposition 8 were found to be a valid constitutional amendment denying same-sex couples in California the right to marry, it would directly and gravely harm the Outlaw members who wish to exercise their right to marry in the future. I also understand that some proponents of Proposition 8 are arguing that even existing marriages should be nullified. If the same-sex marriages filed during the period of June 16, 2008 through

November 4, 2008 were invalidated, it would invalidate one member's currently valid marriage.

5. As a student organization at Chapman University School of Law, Outlaw also has a special interest in the quality of legal education for all its members and their future legal careers. If Proposition 8 were found valid, or if the same-sex marriages filed during the period of June 16, 2008 through November 4, 2008 were invalidated, it would be in direct conflict with the current understanding and teachings of basic constitutional law, equal protection principles. A Constitution that enshrines discrimination would be difficult to "support" as required by the oath taken by those newly admitted to the California State Bar.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed in Irvine, California on January 13, 2009.

A handwritten signature in black ink, appearing to read 'Emily Wilkinson', written over a horizontal line.

Emily Wilkinson

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 3 Park Plaza, 20th Floor, Irvine, California 92614-8505.

On January 14, 2009, I served true copies of the following document(s) described as

**APPENDIX OF EXHIBITS IN SUPPORT OF BRIEF OF AMICI
CURIAE INDIVIDUAL CHAPMAN UNIVERSITY
ORGANIZATIONS, FACULTY, STAFF, AND STUDENTS,
ORANGE COUNTY EQUALITY COALITION, AND OTHER
ORANGE COUNTY COMMUNITY MEMBERS INCLUDING
LEGALLY MARRIED SAME-SEX COUPLES, IN SUPPORT OF
PETITIONERS, VOLUME 1 OF 1 (PAGE NOS. 1 - 42)**

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Crowell & Moring LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 14, 2009, at Irvine, California.


Victoria McCay

SERVICE LIST
Karen L. Strauss v. Mark D. Horton
Case No. S168047

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