

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF  
CALIFORNIA (Southern Division – Santa Ana)  
CIVIL DOCKET FOR CASE #: 8:04-cv-01042-DOC -MLG**

Smelt et al v. Orange County of et al  
Assigned to: Judge David O. Carter  
Referred to: Magistrate Judge Marc L. Goldman  
Related Case: 8:09-cv-00286-DOC-MLG  
Case in other court: 9th CCA, 05-56040  
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 09/01/2004  
Date Terminated: 06/16/2005  
Jury Demand: None  
Nature of Suit: 950 Constitutional – State  
Statute  
Jurisdiction: Federal Question

**Plaintiff**

**Arthur Bruno Smelt**

represented by **Diane J Marlowe**  
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**Plaintiff**

**Christopher David Hammer**

represented by **Diane J Marlowe**  
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*LEAD ATTORNEY*  
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**Richard C Gilbert**  
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V.

**Intervenor Plaintiff**

**Proposition 22 Legal Defense and  
Education Fund**

represented by **Benjamin W Bull**  
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**Intervenor Plaintiff**

**Campaign for California Families**

represented by **Mary E McAlister**

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V.

**Defendant**

**Orange County of**

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**Defendant**

**County Clerk**  
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represented by **Marianne Van Riper**  
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**Teri L Maksoudian**  
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**Defendant**

**DOES**  
*1 through 10, inclusive*

**Defendant**

**Michael Rodrian**  
*in his official capacity as state registrar  
of Vital Statistics, California Department  
of Health Services*

represented by **Christopher E Krueger**  
CAAG – California Attorney General  
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V.

**Intervenor Defendant**

**United States of America**

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**Intervenor Defendant**

**United States of America**

represented by **W Scott Simpson**  
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**Amicus**

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**Woo v Lockyer**  
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Date Filed	#	Docket Text
09/01/2004	1	COMPLAINT against Defendants County Clerk, DOES 1 through 10, Orange County of (Filing fee \$150), filed by Plaintiff Christopher David Hammer, Arthur Bruno Smelt.(th) (Entered: 09/14/2004)
09/01/2004	2	CERTIFICATE AND NOTICE of Interested Parties filed by Plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (th) (Entered: 09/14/2004)
09/01/2004		20 DAYS Summons Issued re Complaint – (Discovery) 1 as to County Clerk, DOES 1 through 10, Orange County of. (th) (Entered: 09/14/2004)
09/21/2004	<u>3</u>	MINUTES [ In Chambers] by Judge Gary L. Taylor :, Status Conference set for 9/30/2004 02:00 PM before Honorable Gary L. Taylor. Defendants responsive pleading is vacated and a new responsive pleading date to be set at the status conference.Court Reporter: none. (dmjr, ) (Entered: 09/23/2004)
09/24/2004	4	FIRST AMENDED COMPLAINT against defendants Michael Rodrian, County Clerk, DOES, Orange County of amending Complaint – (Discovery) 1 ,filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt (dmjr, ) (Entered: 09/27/2004)
09/24/2004		20 day Summons Issued re first Amended Complaint 4 as to County Clerk, DOES, Orange County of, Michael Rodrian. (dmjr, ) (Entered: 09/27/2004)
09/24/2004	5	Certification and notice of Interested Parties filed by Plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (dmjr, ) (Entered: 09/27/2004)
10/06/2004	<u>6</u>	ORDER by Judge Gary L. Taylor, The students application of Peggy Levenzon-Tuchman to appear in this case is hereby granted. Participation limited to assisting trial attorney.(dmjr, ) (Entered: 10/07/2004)
10/14/2004	<u>7</u>	MINUTES OF In Chambers proceeding by Gary L. Taylor : The Court authorizes the parties to invite qualified amicus participants to file briefs concerning the issues to be determined in this case. Court Reporter: none present. (esa, ) (Entered: 10/15/2004)

10/14/2004	<u>8</u>	SCHEDULING ORDER by Judge Gary L. Taylor: 10/27/04: Deadline for Defendants to answer or otherwise plead; Status Conference set for 11/1/2004 11:00 AM before Honorable Gary L. Taylor; 11/22/04 10:00 a.m.: Hearing on any non-dispositive motion; 11/30/04 9:00 a.m.: Brief evidentiary hearing; 12/6/04 to 1/17/05: Briefing schedule on dispositive motion (see document for details); 1/27/05 9:00 a.m.: Hearing on dispositive motion.(esa, ) (Entered: 10/15/2004)
10/14/2004	<u>9</u>	CERTIFICATION TO ATTORNEYS GENERAL AND NOTIFICATION OF OPPORTUNITY TO INTERVENEORDER by Judge Gary L. Taylor:( See Document for details )(esa, ) (Entered: 10/15/2004)
10/14/2004	<u>10</u>	MINUTES OF In Chambers Order by Judge Gary L. Taylor : The Court orders the parties to attempt to agree to a short, simple statement of facts, which will frame the issues presented in this case. Attached is the Court's draft fo a suggested statement. Unless a statement is earlier agreed upon, the Court will settle a statement of facts at the 11/22/04 hearing. Court Reporter: none present. (esa, ) (Entered: 10/15/2004)
10/21/2004	<u>11</u>	NOTICE OF CLERICAL ERROR Re: Minute Order, Amicus Participation: Scanned document not sent to Teri Maksoudian and Marianne Van Riper. (esa, ) (Entered: 10/21/2004)
10/21/2004	<u>12</u>	NOTICE OF CLERICAL ERROR Re: Sceduling Order: Scanned document No. 8 not sent to noticed parties Teri Maksoudian and Marianne Van Riper (esa, ) (Entered: 10/21/2004)
10/21/2004	<u>13</u>	NOTICE OF CLERICAL ERROR Re: Certification to Attorneys General, and Notification of Opportunity to Intervene: Scanned document No. 9 not sent to noticed parties Teri Maksoudian and Marianne Van Riper (esa, ) (Entered: 10/21/2004)
10/21/2004	<u>14</u>	NOTICE OF CLERICAL ERROR Re: Minute Order, Agreed Statement of Facts: Scanned document No. 10 not sent to noticed parties Teri Maksoudian and Marianne Van Riper. (esa, ) (Entered: 10/21/2004)
10/22/2004	<u>17</u>	NOTICE OF MOTION AND MOTION to Intervene as party defendant filed by Intevenors Campaign for California Families. Motion set for hearing on 11/15/2004 at 10:00 AM before Honorable Gary L. Taylor. (pj, ) (Entered: 10/27/2004)
10/22/2004	<u>18</u>	MEMORANDUM OF POINTS AND AUTHORITIES in Support of MOTION to Intervene 17 filed by Intervenor Campaign for California Families. (pj, ) (Entered: 10/27/2004)
10/22/2004	<u>19</u>	DECLARATION of RENA M LINDEVALDSEN re MOTION to Intervene 17 filed by Intervenors Campaign for California Families. (pj, ) (Entered: 10/27/2004)
10/22/2004	<u>20</u>	PROOF OF SERVICE filed by Intervenors Campaign for California Families. re 17 MOTION to Intervene, 18 Memorandum in Support of Motion, 19 Declaration (Motion related), was served on 10/21/2004. (pj, ) (Entered: 10/27/2004)
10/22/2004	<u>33</u>	DECLARATION of Randy Thomasson in support of MOTION to Intervene 17 filed by intervenor Campaign for California Families. (dmjr, ) (Entered: 10/29/2004)
10/25/2004	<u>15</u>	MINUTES [ In Chambers]by Judge Gary L. Taylor : court extended to 10/29/04 the time for the named state parties to enter an appearance. Brief page limit shall be 40 pages (dmjr, ) (Entered: 10/26/2004)
10/26/2004	<u>16</u>	Certification and notice of Interested Parties by intervenor Proposition 22 Legal Defense and Education Fund (dmjr, ) (Entered: 10/27/2004)
10/26/2004	<u>26</u>	NOTICE OF MOTION AND MOTION to Intervene.. proposed answer filed by intervenor Proposition 22 Legal Defense and Education Fund. Motion set for hearing on 11/1/2004 at 11:00 AM before Honorable Gary L. Taylor. (dmjr, ) (Entered: 10/29/2004)
10/26/2004	<u>27</u>	MEMORANDUM in Support of MOTION to Intervene 26 filed by intervenor Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 10/29/2004)



10/26/2004	28	DECLARATION of Michael Parker in support of MOTION to Intervene 26 filed by intervenor Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 10/29/2004)
10/26/2004	29	DECLARATION of M W Bucher in support of MOTION to Intervene 26 filed by intervenor Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 10/29/2004)
10/26/2004	30	DECLARATION of Natalie Williams in support of MOTION to Intervene 26 filed by intervenor Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 10/29/2004)
10/26/2004	31	DECLARATION of Dana Cody in support of MOTION to Intervene 26 filed by intervenor Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 10/29/2004)
10/26/2004	32	DECLARATION of David Bauer in support of MOTION to Intervene 26 filed by intervenor Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 10/29/2004)
10/26/2004	42	NOTIFICATION OF INTERVENTION filed by Defendant–Intervenor UNITED STATES OF AMERICA; lodged proposed order. (esa, ) (Entered: 11/02/2004)
10/27/2004	<u>21</u>	MINUTES [ In Chambers] by Judge Gary L. Taylor ; Reset Deadlines as to 17 MOTION to Intervene. Motion set for hearing on 11/1/2004 at 11:00 AM before Honorable Gary L. Taylor. Intervenors invited to appear in person or by phone. Court will discuss whether the Campaign and Fund should participate more appropriately by intervention or amicusCourt Reporter: none. (dmjr, ) (Entered: 10/28/2004)
10/27/2004	22	Certification and notice of Interested Parties filed by Defendants County Clerk, Orange County of. (dmjr, ) (Entered: 10/28/2004)
10/27/2004	23	ANSWER to first Amended Complaint 4 filed by defendants County Clerk, Orange County of.(dmjr, ) (Entered: 10/28/2004)
10/27/2004	24	PROOF OF SERVICE Executed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt, upon Michael Rodrian served on 10/4/2004, answer due 10/24/2004. The Summons and Complaint were served by personal service service, by unspecified statute, upon Tim Conforth, per policies and procedures. Due Dilligence declaration not attached. Original Summons not returned. (dmjr, ) (Entered: 10/28/2004)
10/27/2004	25	PROOF OF SERVICE filed by plaintiffs re 4 Amended Complaint, was served on 10/5/04 on CA Department of Health Services upon Tim Cornforth, agent for service. (dmjr, ) (Entered: 10/29/2004)
10/28/2004	<u>37</u>	APPLICATION AND ORDER of Non–Resident Attorney to Appear in a Specific Case by Byron J Babione for Proposition 22 Legal Defense and Education Fund, designating Sam Kim as local counsel. Fee paid. Approved by Judge Gary L. Taylor.(dmjr, ) (Entered: 11/01/2004)
10/28/2004	38	OPPOSITION to MOTION to Intervene 26 filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (pj, ) (Entered: 11/01/2004)
10/28/2004	39	OPPOSITION to MOTION to Intervene 26 filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (pj, ) (Entered: 11/01/2004)
10/29/2004	34	ANSWER to Amended Complaint 4 filed by defendant Michael Rodrian.(dmjr, ) (Entered: 11/01/2004)
10/29/2004	35	Certification and notice of Interested Parties filed by Defendant Michael Rodrian. (dmjr, ) (Entered: 11/01/2004)
10/29/2004	36	NOTICE of Association of Counsel associating attorney Richard C Gilbert on behalf of Plaintiffs Christopher David Hammer, Arthur Bruno Smelt. Filed by plaintiff attorney (dmjr, ) (Entered: 11/01/2004)



10/29/2004	52	STATEMENT of non-opposition to MOTION to Intervene by Proposition 22 Legal Defense and Education Fund 26 filed by defendant-intervenor United States Of America. (mt, ) (Entered: 11/09/2004)
10/29/2004	53	STATEMENT of non-opposition to MOTION to Intervene by Campaign for California Families 17 filed by defendant-intervenor United States Of America. (mt, ) (Entered: 11/09/2004)
11/01/2004	<u>44</u>	MINUTES OF Status Conference held before Judge Gary L. Taylor :, intervenor motions are taken under submission, tentative ruling attachedCourt Reporter: 11/1/04. (dmjr, ) (Entered: 11/03/2004)
11/01/2004	46	NOTICE OF MOTION AND MOTION to abstain by defendants State Registrar of Vital Statistics and Department Health Services. Motion set for hearing on 11/22/2004 at 10:00 AM before Honorable Gary L. Taylor. (mg, ) (Entered: 11/08/2004)
11/01/2004	47	MEMORANDUM of points and authorities in Support of MOTION for to abstain 46 filed by defendant Michael Rodrian. (mg, ) (Entered: 11/08/2004)
11/01/2004	48	DECLARATION of Christopher E Krueger in support of MOTION to abstain 46 filed by defendant Michael Rodrian. (mg, ) (Entered: 11/08/2004)
11/01/2004	49	AMENDED PROOF OF SERVICE filed by defendant Orange County of. 23 Answer to First Amended Complaint, was served on 10/29/04. (mg, ) (Entered: 11/08/2004)
11/01/2004	50	AMENDED PROOF OF SERVICE filed by defendant Orange County of. 22 Certificate of Interested Parties, was served on 11/1/04. (mg, ) (Entered: 11/08/2004)
11/02/2004	<u>40</u>	MINUTES OF Status Conference held before Judge Gary L. Taylor : court signs order granting intervention by the US.Order by Judge Gary L. Taylor granting MOTION to Intervene 26 , MOTION to Intervene 17 , parties to comply with scheduling order. Parties relieved to file separate statement concerning cross-motions for summary judgment, but may brief the merits. Court Reporter: D Parker. (dmjr, ) (Entered: 11/02/2004)
11/02/2004	<u>41</u>	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case by Rena M Lindevaldsen for Campaign for California Families, designating R S Heckmann as local counsel. Fee paid. Approved by Judge Gary L. Taylor.(dmjr, ) (Entered: 11/02/2004)
11/02/2004	<u>43</u>	ORDER by Judge Gary L. Taylor granting in tervention by United States Of America rep by W Scott Simpson added. The US shall file its dispositive motion no later than 12/6/04, counsel may participate in the status conference of 11/1/04 by phone.(dmjr, ) (Entered: 11/03/2004)
11/05/2004	<u>45</u>	MINUTES [ In Chambers] by Judge Gary L. Taylor : court grants one additional day, until 11/9/04 to file any opposition briefs to the motion to abstain. Reply briefs extended one day to 11/16/04Court Reporter: none. (dmjr, ) (Entered: 11/08/2004)
11/08/2004	51	ANSWER to Amended Complaint 4 filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund.(dmjr, ) (Entered: 11/09/2004)
11/08/2004	59	STATEMENT of in response to motion to abstain by defendants re MOTION for Order 46 filed by defendant-intervenor UNITED STATES OF AMERICA. (yc, ) (Entered: 11/15/2004)
11/09/2004	55	NOTICE OF MOTION AND MOTION for Reconsideration of granting interveners campaign for california families and proposition 232 legal defense and education fund motions to intervene. filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt. Motion set for hearing on 11/22/2004 at 10:00 AM before Honorable Gary L. Taylor. (yc, ) (Entered: 11/15/2004)
11/09/2004	56	OPPOSITION to MOTION for Order 46 filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (yc, ) (Entered: 11/15/2004)

11/09/2004	57	MEMORANDUM OF POINTS and authorities in opposition to 46 filed by plaintiff Proposition 22 Legal Defense and Education Fund. (yc, ) Modified on 11/15/2004 (yc, ). (Entered: 11/15/2004)
11/09/2004	58	DECLARATION of Attorney Byron J Babione in opposition to the state's re MOTION for Order 46 filed by plaintiff Proposition 22 Legal Defense and Education Fund. (yc, ) (Entered: 11/15/2004)
11/09/2004	65	MEMORANDUM of points and authorities in Opposition to MOTION to abstain 46 filed by Proposed Intervenor Campaign for California Families. (pj, ) (Entered: 11/16/2004)
11/09/2004	66	DECLARATION of RENA M LINDEVALDSEN IN OPPOSITION re MOTION to abstain 46 filed by Intervenor Campaign for California Families. (pj, ) (Entered: 11/16/2004)
11/09/2004	67	PROOF OF SERVICE filed by Intervenor Campaign for California Families. re 66 Declaration (Motion related), 65 MEMORANDUM in Opposition to Motion, on 11/8/2004 (pj, ) (Entered: 11/16/2004)
11/10/2004	<u>54</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Gary L. Taylor ORDERING Motion for Reconsideration submitted by Plaintiffs Christopher David Hammer, Arthur Bruno Smelt received on 11/09/04 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(ln, ) (Entered: 11/10/2004)
11/10/2004	60	APPLICATION for Leave appear as amicus curiae and to File amicus brief in support of defendants motion to abstain filed by amicus curiae San Francisco City and County. Lodged order, brief. (dmjr, ) (Entered: 11/16/2004)
11/10/2004	<u>61</u>	ORDER by Judge Gary L. Taylor : granting 60 Application for Leave (dmjr, ) (Entered: 11/16/2004)
11/10/2004	62	BRIEF FILED filed by amicus curiae San Francisco City and County. regarding MOTION for Order 46 . (dmjr, ) (Entered: 11/16/2004)
11/10/2004	<u>63</u>	Motion and ORDER by Judge Gary L. Taylor,granting leave to file an amicus brief(dmjr, ) (Entered: 11/16/2004)
11/10/2004	64	PROOF OF SERVICE San Francisco City and County.application for leave to appear amicus curiae was served on 11/10/2004. (pj, ) (Entered: 11/16/2004)
11/10/2004	68	PROOF OF SERVICE filed by Amici Curiae Phyllis Lyon and Del Martin, Lancy Wood and Christy Chung et al request for leave to file an amicus brief and brief was served on 10/10/2004. (pj, ) (Entered: 11/16/2004)
11/10/2004	69	BRIEF re MOTION for Order 46 filed by amici curiae P Lyon and D Martin, et al. (dmjr, ) (Entered: 11/17/2004)
11/12/2004	71	OBJECTION TO THE WOO AMICI AND MARRIAGE CASES Joint Motion for Leave to File 60 filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (pj, ) (Entered: 11/17/2004)
11/12/2004	72	OBJECTION TO CITY AND COUNTY OF SAN FRANCISCO MOTION for Leave to File 60 filed by plaintiffs Christopher David Hammer, Arthur Bruno Smelt. (pj, ) (Entered: 11/17/2004)
11/15/2004	70	Certification and notice of Interested Parties filed by Intervenor Plaintiff Campaign for California Families. (dmjr, ) (Entered: 11/17/2004)
11/15/2004	73	ANSWER to first Amended Complaint 4 filed by intervenor Campaign for California Families.(dmjr, ) (Entered: 11/18/2004)
11/15/2004	74	DECLARATION of Rena M Lindevaldsen in opposition to plaintiffs MOTION for Reconsideration 55 filed by declaration Campaign for California Families. (mg, ) (Entered: 11/18/2004)
11/16/2004	75	Notice of Withdrawal of MOTION for Reconsideration 55 filed by plaintiffs (mg, ) (Entered: 11/18/2004)

11/16/2004	76	STIPULATION of facts filed by plaintiff United States Of America. (mg, ) (Entered: 11/18/2004)
11/16/2004	77	REPLY in support of MOTION to abstain 46 filed by defendant Michael Rodrian. (mg, ) (Entered: 11/18/2004)
11/16/2004	78	SUPPLEMENTAL DECLARATION of Christopher E Krueger in support of MOTION to abstain 46 filed by defendant Michael Rodrian. (mg, ) (Entered: 11/18/2004)
11/17/2004	<u>79</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Gary L. Taylor ORDERING answer submitted by Intervenor Plaintiff Campaign for California Families received on 11/16/04 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(dmjr, ) (Entered: 11/18/2004)
11/18/2004	81	DECLARATION of Byron J Babione in opposition to San Francisco and the Woo Plaintiffs' Amicus Brief in support of the State's MOTION for Order 46 to abstain filed by defendant Proposition 22 Legal Defense and Education Fund. (esa, ) (Entered: 11/24/2004)
11/18/2004	82	MEMORANDUM OF LAW in opposition to San Francisco and Woo Plaintiffs' Amicus Briefs in support of State's MOTION for Order 46 to abstain filed by defendant Proposition 22 Legal Defense and Education Fund. (esa, ) (Entered: 11/24/2004)
11/22/2004	<u>80</u>	MINUTES OF Order by Judge Gary L. Taylor taking under submission MOTION for Order 46 until the merits hearing in January 2005.Court Reporter: none. (dmjr, ) (Entered: 11/23/2004)
11/22/2004	<u>83</u>	MINUTES OF Motion Hearing held before Judge Gary L. Taylor : re MOTION for Reconsideration 55 previously withdrawn is off-calendar, MOTION for Order 46 taken under submission. Evidentiary hearing vacatedCourt Reporter: W Stephenson. (dmjr, ) (Entered: 11/29/2004)
11/23/2004	84	Notice of Interested Parties filed by Intervenor Plaintiff Campaign for California Families. (dmjr, ) (Entered: 11/30/2004)
12/06/2004	86	NOTICE OF MOTION AND MOTION for Summary Judgment, memorandum filed by defendants Orange County of, County Clerk. Motion set for hearing on 1/27/2005 at 09:00 AM before Honorable Gary L. Taylor. (dmjr, ) (Entered: 12/16/2004)
12/06/2004	87	NOTICE of lodging of index and authorities filed by defendants Orange County of, County Clerk. (dmjr, ) (Entered: 12/16/2004)
12/06/2004	88	NOTICE OF MOTION AND MOTION for Summary Judgment, alternatively MOTION for Partial Summary Judgment filed by defendant Michael Rodrian. Motion set for hearing on 1/17/2004 at 09:00 AM before Honorable Gary L. Taylor. (dmjr, ) (Entered: 12/17/2004)
12/06/2004	89	MEMORANDUM in Support of MOTION for Summary Judgment MOTION for Partial Summary Judgment 88 filed by defendant Michael Rodrian. (dmjr, ) (Entered: 12/17/2004)
12/06/2004	90	DECLARATION of C E Krueger re MOTION for Summary Judgment MOTION for Partial Summary Judgment 88 filed by defendant Michael Rodrian. (dmjr, ) (Entered: 12/17/2004)
12/06/2004	91	NOTICE OF MOTION AND MOTION for Summary Judgment, memorandum filed by intervenor defendant United States Of America. Motion set for hearing on 1/27/2005 at 09:00 AM before Honorable Gary L. Taylor. (dmjr, ) (Entered: 12/17/2004)
12/06/2004	92	EXHIBITS Filed filed by Intervenor Defendant United States Of America. as to MOTION for Summary Judgment 91 . (dmjr, ) (Entered: 12/17/2004)
12/06/2004	93	NOTICE OF MOTION AND MOTION for Summary Judgment filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. Motion set for hearing

		on 1/27/2004 at 09:00 AM before Honorable Gary L. Taylor. Lodged order, statement. (dmjr, ) (Entered: 12/22/2004)
12/06/2004	94	MEMORANDUM in Support of MOTION for Summary Judgment 93 filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 12/22/2004)
12/06/2004	95	DECLARATION of B J Babione re MOTION for Summary Judgment 93 filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 12/22/2004)
12/07/2004	<u>85</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Gary L. Taylor ORDERING summary judgment motion submitted by Intervenor Defendant UNITED STATES OF AMERICA received on 12/6/4 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(dmjr, ) (Entered: 12/08/2004)
12/07/2004	96	AMENDED DOCUMENT filed by Defendant Michael Rodrian. Amendment to Memorandum in Support of Motion 89 (dmjr, ) (Entered: 12/22/2004)
12/08/2004	97	REVISED MEMORANDUM in Support of MOTION for Summary Judgment 86 , MOTION for Summary Judgment MOTION for Partial Summary Judgment 88 , MOTION for Summary Judgment 93 , MOTION for Summary Judgment 91 filed by intervenor plaintiff Campaign for California Families. (dmjr, ) (Entered: 12/22/2004)
12/08/2004	98	DECLARATION of R M Lindevaldsen re MOTION for Summary Judgment 86 , MOTION for Summary Judgment MOTION for Partial Summary Judgment 88 , MOTION for Summary Judgment 93 , MOTION for Summary Judgment 91 filed by intervenor plaintiff Campaign for California Families. (dmjr, ) (Entered: 12/22/2004)
12/08/2004	99	APPENDIX of exhibits filed by Intervenor Plaintiff Campaign for California Families. Re: Memorandum in Support of Motion, 97 (dmjr, ) (Entered: 12/22/2004)
12/08/2004	100	PROOF OF SERVICE filed by intervenor plaintiff Campaign for California Families. re Memorandum in Support of Motion, 97 , Declaration (Motion related), Declaration (Motion related) 98 , Appendix 99 , was served on 12/7/04. (dmjr, ) (Entered: 12/22/2004)
12/08/2004	101	AMENDED PROOF OF SERVICE filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. re MOTION for Summary Judgment 93 , Memorandum in Support of Motion 94 , Declaration (Motion related) 95 , was served on 12/7/04. (dmjr, ) (Entered: 12/22/2004)
12/10/2004	102	PROOF OF SERVICE filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. re MOTION for Summary Judgment 93 , Memorandum in Support of Motion 94 , Declaration (Motion related) 95 , was served on 12/6/04. (dmjr, ) (Entered: 12/22/2004)
12/17/2004	103	NOTICE OF MOTION AND MOTION for Summary Judgment, memorandum and opposition to all defendants and intervenors motions for summary judgment filed by plaintiffs Arthur Bruno Smelt, Christopher David Hammer. Motion set for hearing on 1/27/2005 at 09:00 AM before Honorable Gary L. Taylor. Lodged order, statement. (dmjr, ) (Entered: 12/27/2004)
12/17/2004	104	EXHIBIT Filed filed by Plaintiffs Arthur Bruno Smelt, Christopher David Hammer. as to MOTION for Summary Judgment 103 . (dmjr, ) (Entered: 12/27/2004)
12/17/2004	105	DECLARATION of R C Gilbert re Exhibit (non-trial) 104 filed by Plaintiffs Arthur Bruno Smelt, Christopher David Hammer. (dmjr, ) (Entered: 12/27/2004)
12/20/2004	106	BRIEF FILED by amici curiae Woo v Lockyer plaintiffs concerning motions for summry judgment (dmjr, ) (Entered: 12/28/2004)



12/20/2004	107	REQUEST FOR JUDICIAL NOTICE by amici curiae Woo v Lockyer plaintiffs (dmjr, ) (Entered: 12/28/2004)
12/20/2004	108	PROOF OF SERVICE filed by amici curiae re Brief (non-appeal) 106 , REQUEST FOR JUDICIAL NOTICE 107 , was served on 12/20/04. (dmjr, ) (Entered: 12/28/2004)
01/10/2005	109	OPPOSITION to MOTION for Summary Judgment 103 , memorandum filed by defendants Orange County of, County Clerk. (dmjr, ) (Entered: 01/13/2005)
01/10/2005	110	REPLY to response to MOTION for Summary Judgment MOTION for Partial Summary Judgment 88 and opposition to plaintiffs summary judgment motion filed by defendant Michael Rodrian. (dmjr, ) (Entered: 01/13/2005)
01/10/2005	112	DECLARATION of B J Babione re opposition to MOTION for Summary Judgment 103 filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 01/13/2005)
01/10/2005	114	REPLY to response to MOTION for Summary Judgment 91 and opposition to plaintiffs summary judgment motion filed by intervenor defendant United States Of America. (dmjr, ) (Entered: 01/13/2005)
01/11/2005	113	AMENDED DOCUMENT filed by Defendant Michael Rodrian. Amendment to Reply (Motion related) 110 (dmjr, ) (Entered: 01/13/2005)
01/11/2005	115	MEMORANDUM in Opposition to MOTION for Summary Judgment 103 and in further support of defendants motions for summary judgment filed by intervenor plaintiff Campaign for California Families. (dmjr, ) (Entered: 01/14/2005)
01/13/2005	111	MEMORANDUM in Opposition to MOTION for Summary Judgment 103 and reply in support of its summary judgment motion filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 01/13/2005)
01/14/2005	116	OBJECTIONS to any oral argument by any non party, I E Lambda and City of San Francisco and Declaration of Richard C Gilbert filed by Plaintiffs Arthur Bruno Smelt, Christopher David Hammer. (mt, ) (Entered: 01/19/2005)
01/14/2005	117	PLAINTIFFS SUR-REPLY BRIEF filed by Plaintiffs Arthur Bruno Smelt, Christopher David Hammer (mt, ) (Entered: 01/19/2005)
01/21/2005	118	REQUEST FOR JUDICIAL NOTICE AND NOTICE OF RECENT NON-CALIFORNIA AUTHORITY filed by plaintiff-intervenor Proposition 22 Legal Defense and Education Fund. (esa, ) (Entered: 01/25/2005)
01/21/2005	119	SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE OF AMICI CURIAE WOO V LOCKYER plaintiffs concerning motions for summary judgment (esa, ) (Entered: 01/25/2005)
01/24/2005	120	NOTICE of recent decision filed by intervenor defendant United States Of America. (dmjr, ) (Entered: 01/28/2005)
01/26/2005	121	DECLARATION of R C Gilbert re Americans with Disabilities Act filed by Plaintiffs Arthur Bruno Smelt, Christopher David Hammer. (dmjr, ) (Entered: 01/28/2005)
01/27/2005	<u>122</u>	MINUTES OF Motion Hearing held before Judge Gary L. Taylor :, RE: MOTION for Summary Judgment 86 , MOTION for Summary Judgment MOTION for Partial Summary Judgment 88 , MOTION for Summary Judgment 93 , MOTION for Summary Judgment 103 , matters taken under submissionCourt Reporter: D Parker. (dmjr, ) (Entered: 02/04/2005)
02/11/2005	123	REQUEST FOR JUDICIAL NOTICE of New York County Supreme Court Decision filed by amici curiae Woo v Lockyer. (dmjr, ) (Entered: 02/22/2005)
03/17/2005	124	SECOND SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE of amici curiae Woo v. Lockyer plaintiffs concerning motions for summary judgment 107 , 123 filed by amici curiae, San Francisco City and County, Woo v Lockyer. (sv) (Entered: 03/22/2005)

04/18/2005	125	NOTICE of unavailability of counsel filed by intervenor defendant United States Of America. (dmjr, ) (Entered: 04/20/2005)
06/16/2005	<u>127</u>	MINUTES Administrative Matters Concerning filed Order and Judgment IN CHAMBERS ORDER by Judge Gary L. Taylor : The court has filed its order and judgment in this case, for publication. The following administrative matters are considered not suitable for inclusion in the published order, and are stated separately in this minute order: (see order). The court finds that, overall, defendants are the prevailing parties. Defendants shall recover their costs from plaintiffs. (Made JS-6. Case Terminated.)Court Reporter: none present. (twdb, ) (Entered: 06/16/2005)
06/17/2005		PLACED IN FILE – NOT USED re Proposed Judgment submitted by defendant Proposition 22 Legal Defense and Education Fund. (mu, ) (Entered: 06/20/2005)
06/17/2005		PLACED IN FILE – NOT USED re Statement of Uncontroverted Facts and Conclusions of Law submitted by defendant Proposition 22 Legal Defense and Education Fund. (mu, ) (Entered: 06/20/2005)
06/17/2005		PLACED IN FILE – NOT USED re Statement of Uncontroverted Facts submitted by plaintiffs Arthur Bruno Smelt, Christopher David Hammer. (mu, ) (Entered: 06/20/2005)
06/17/2005		PLACED IN FILE – NOT USED re Plaintiffs' [Proposed] Judgment Granting Summary Judgment submitted by plaintiffs Arthur Bruno Smelt, Christopher David Hammer. (mu, ) (Entered: 06/20/2005)
07/01/2005	128	Notice of APPLICATION to the Clerk to Tax Costs filed by intervenor plaintiff Proposition 22 Legal Defense and Education Fund. Lodged Bill of costs. (twdb, ) (Entered: 07/07/2005)
07/07/2005	129	NOTICE OF APPEAL to 9th CCA filed by plaintiffs Arthur Bruno Smelt, Christopher David Hammer. Appeal of Order 126 Filed On: 06/16/05; Entered On: 06/16/05. Filing fee \$ 255. Billed. cc: Richard C. Gilbert; Arthur Bruno Smelt; Marianne Van Riper; W. Scott Simpson; Christopher E. Krueger. (cbr, ) (Entered: 07/12/2005)
07/07/2005	130	DESIGNATION OF REPRESENTATION re Appeal to Circuit Court, 129 . (cbr, ) (Entered: 07/12/2005)
07/07/2005		Civil Appeals Docketing Statement received from plaintiffs Arthur Bruno Smelt, Christopher David Hammer forwarded to 9th CCA. RE: Appeal to Circuit Court, 129 . (cbr, ) (Entered: 07/12/2005)
07/07/2005	131	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: None requested; Re: Appeal to Circuit Court, 129 . (cbr, ) (Entered: 07/12/2005)
07/07/2005		APPEAL FEE PAID: re Appeal to Circuit Court, 129 as to Plaintiffs Arthur Bruno Smelt, Christopher David Hammer; Receipt Number: 9692 in the amount of \$255. (ghap, ) (Entered: 07/22/2005)
07/15/2005	<u>132</u>	BILL OF COSTS. Costs Taxed in amount of \$ \$266.81 in favor of defendant Prop 22 Legal Defense and Education Fund and against plaintiffs. RE: In Chambers Order/Directive – no proceeding held,,, Terminated Case,, <u>127</u> (dmjr, ) (Entered: 07/15/2005)
07/15/2005	133	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to Circuit Court, 129 filed by Arthur Bruno Smelt,, Christopher David Hammer. (mo, ) (Entered: 07/15/2005)
08/02/2005	134	NOTIFICATION by Circuit Court of Appellate Docket Number 05-56040, 9th CCA regarding Appeal to Circuit Court, 129 filed by Arthur Bruno Smelt, Christopher David Hammer. (cbr, ) (Entered: 08/02/2005)
08/17/2005	137	NOTICE of designation of representation on appeal filed by defendant in intervention Proposition 22 Legal Defense and Education Fund. (dmjr, ) (Entered: 08/24/2005)

08/19/2005	135	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 11/22/04 Court Reporter: William Stephens (mo, ) (Entered: 08/24/2005)
08/19/2005	136	TRANSCRIPT filed for proceedings held on 11/22/04. Court Reporter: William Stephens. (mo, ) (Entered: 08/24/2005)
03/02/2006	138	RECORD ON APPEAL sent to Circuit Court re: Appeal number, 05-56040 Record consists of 1 thru 6 volumes, 1 transcripts, ans 2 bulky documents item numbers: 99 and 119. (cbr, ) (Entered: 03/02/2006)
07/06/2006	<u>139</u>	JUDGMENT from 9th CCA filed as to Appeal to Circuit Court, 129 filed by Arthur Bruno Smelt, Christopher David Hammer, CCA # 05-56040.The appeal is AFFIRMED in part, VACATED in part, and REMANDED. Order received in this district on 7/10/2006. (lm, ) (Entered: 07/26/2006)
07/31/2006	<u>140</u>	NOTICE OF REASSIGNMENT OF CASE due to Unavailability of Judicial Officer filed. The previously assigned District Judge is no longer available. Pursuant to directive of the Chief District Judge and in accordance with the rules of this Court, the case has been returned to the Clerk for reassignment. This case has been reassigned to Judge David O. Carter for all further proceedings. Case number will now read SACV04-1042DOC(MLGx). (csb, ) (Entered: 07/31/2006)
12/21/2006	141	APPEAL RECORD RETURNED from 9th CCA Received: Volume(s): 6; Transcripts(s): 1, 2 Brown Folders: 99, 119; RE: Appeal Record Sent to USCA (A-26) 138 (lr, ) (Entered: 02/01/2007)
08/06/2008	<u>142</u>	NOTICE OF HEARING ON USCA JUDGMENT re USCA Order <u>139</u> : Hearing on USCA Judgment set for 8/26/2008 at 09:00 AM before Judge David O. Carter. (db) (Entered: 08/06/2008)
08/18/2008	<u>143</u>	Application to Participate in Hearing by Telephone filed by Intervenor Defendant United States Of America re: Notice of Hearing on USCA Judgment/Mandate/Order (CV-42) <u>142</u> (Simpson, W) (Entered: 08/18/2008)
08/20/2008	<u>144</u>	ORDER Denying United State's Application to Participate in Hearing by Telephone by Judge David O. Carter. (See minute order for details) (db) (Entered: 08/20/2008)
08/22/2008	<u>145</u>	NOTICE of Change of Attorney Information for attorney Jeffrey I Bedell counsel for Defendant Michael Rodrian. Adding Jeffrey Bedell as attorney as counsel of record for Michael Rodrian, State Registrar of Vital Statistics for the reason indicated in the G-06 Notice. Filed by Defendant State Registrar of Vital Statistics (Bedell, Jeffrey) (Entered: 08/22/2008)
08/22/2008	<u>146</u>	NOTICE of Change of Attorney Information for attorney Jerald L Mosley counsel for Defendant Michael Rodrian. Filed by defendant Michael Rodrian (Mosley, Jerald) (Entered: 08/22/2008)
08/25/2008	<u>147</u>	STIPULATION for Relief re Notice of Hearing on USCA Judgment/Mandate/Order (CV-42) <u>142</u> filed by Defendant-Intervenor UNITED STATES OF AMERICA.(Simpson, W) (Entered: 08/25/2008)
08/25/2008	<u>148</u>	Application for Leave to File Written Statement filed by Intervenor Defendant UNITED STATES OF AMERICA re: Notice of Hearing on USCA Judgment/Mandate/Order (CV-42) <u>142</u> (Attachments: # <u>1</u> Statement of Views for Hearing of August 26, 2008)(Simpson, W) (Entered: 08/25/2008)
08/26/2008	<u>149</u>	DECLARATION of Mary E. McAlister re Miscellaneous Document, <u>148</u> <i>Re: non-appearance</i> filed by Intervenor Plaintiff Campaign for California Families. (McAlister, Mary) (Entered: 08/26/2008)
08/26/2008	<u>150</u>	CERTIFICATE OF SERVICE filed by Defendant Michael Rodrian, <i>Notice of Change of Attorney Information</i> served on August 26, 2008. (Bedell, Jeffrey) (Entered: 08/26/2008)
08/26/2008	<u>154</u>	MINUTES OF Hearing held before Judge David O. Carter: Hearing on Judgment from U.S. Court of Appeals. Matter is taken under submission. Court Reporter: Bernadette Balajadia. (ade) (Entered: 09/08/2008)



08/28/2008	<u>151</u>	NOTICE of Change of Attorney Information for attorney Hiren M Patel counsel for Defendant Michael Rodrian.Hiren Patel is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by Defendant Michael Rodrian (Patel, Hiren) (Entered: 08/28/2008)
08/29/2008	<u>152</u>	ORDER by Judge David O. Carter: California state-law, the California Supreme claim hereby DISMISSED. DOMA § 2 Claim is DISMISSED. Ninth Circuit directed the Court to dismiss Plaintiffs DOMA § 3 claim. Accordingly, this claim is hereby DISMISSED. Plaintiffs DOMA claims are hereby DISMISSED WITHOUT PREJUDICE and Plaintiffs state law claims are DISMISSED WITH PREJUDICE. (kh) (Entered: 09/02/2008)
09/04/2008	<u>153</u>	NOTICE of Change of Attorney Information for attorney Vince Chhabria counsel for Amicus San Francisco City and County. Changing email to vince.chhabria@sfgov.org. Adding Vince Chhabria as attorney as counsel of record for Amicus City and County of San Francisco for the reason indicated in the G-06 Notice. Filed by Amicus City and County of San Francisco (Chhabria, Vince) (Entered: 09/04/2008)