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Lavender Seniors of the East Bay; and Parents, Families, and Friends of Lesbians and Gays

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,  
18 PAUL T. KATAMI, and JEFFREY J.  
19 ZARRILLO,

Plaintiffs,

20 v.

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

28 Defendants,

CASE NO. 09-CV-2292 VRW

**DECLARATION OF JUDITH K. APPEL IN  
SUPPORT OF MOTION TO INTERVENE**

The Honorable Chief Judge Vaughn R. Walker

Date: September 3, 2009  
Time: 10:00 a.m.  
Location: Courtroom 6, 17th Floor

Trial Date: Not Set

1 and

2 Proposition 8 Official Proponents Dennis  
3 Hollingsworth, Gail J. Knight, Martin F. Gutierrez,  
4 Hakshing William Tam, and Mark A. Jansson; and  
ProtectMarriage.com – Yes on 8, a Project of  
California Renewal,

5 Defendant-Intervenors.

6  
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1 I, Judith K. Appel, declare:

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

4 2. I am the executive director of Our Family Coalition (“OFC”), a San Francisco Bay  
5 Area organization dedicated to promoting the civil rights and well-being of families headed by  
6 lesbian, gay, bisexual, and transgender (“LGBT”) parents and prospective parents through education,  
7 advocacy, social networking and community organizing.

8 3. Our Family Coalition has a membership of more than 750 families, representing  
9 thousands of individuals and organizations in Northern California. A great many of our member  
10 families are headed by same-sex couples who are raising small children. These families are diverse  
11 in many ways, including age, race, ethnicity, socio-economic class and disability.

12 4. Our Family Coalition organizes social and educational events each month to inform  
13 our members and the broader LGBT community about legal and social issues related to parenting and  
14 family life. Our Family Coalition places special emphasis on providing help and support for families  
15 headed by LGBT parents and same-sex couples who are planning to become parents to assist these  
16 families in coping with the legal barriers, practical difficulties and emotional stresses that arise both  
17 from being deemed second-class citizens in California because of the state’s exclusion of same-sex  
18 couples from marriage, as well as the larger national context of pervasive legal and social  
19 discrimination against LGBT individuals and their families.

20 5. Because so much of Our Family Coalition’s work aims to support families with small  
21 children, the organization and our members are especially knowledgeable about the harassment,  
22 stigmatization, bullying and other discrimination faced by children who have LGBT parents. Our  
23 membership has reported a rise in such abuse of children being raised by same-sex couples—and  
24 abuse of children and youth perceived by others as possibly lesbian or gay themselves—during last  
25 year’s campaign to pass Proposition 8 and since the measure’s passage. As an organization we  
26 prioritize helping parents to support children who are struggling against anti-gay stigma and  
27 mistreatment because younger people often lack the perspective and confidence with which adults  
28 resist negative messages and maintain self-esteem. Our Family Coalition believes the experiences of

1 our member families can be an invaluable addition as the court makes a record about the purposes  
2 and effects of Proposition 8, and especially about issues concerning the needs of families with  
3 younger children.

4 6. Our Family Coalition greatly values the racial, ethnic, religious, age and socio-  
5 economic diversity of our membership and community. The organization recognizes that anti-LGBT  
6 discrimination often causes different harms for our members and community as a function of social  
7 dynamics related to personal traits other than sexual orientation and gender identity. We strive to  
8 make our educational and social support services available and helpful for the full diversity of our  
9 members and community, including those who are disabled and whose children are disabled, many of  
10 whom face additional barriers and social marginalization..

11 7. Our Family Coalition's work also provides us with information about the effects on  
12 LGBT-headed families of anti-LGBT bias on the part of health care providers and the barriers to  
13 health for LGBT people caused by the social and legal disrespect of same-sex couples and their  
14 children. More specifically, OFC's work conducting educational programming and advocating for  
15 the needs of LGBT-headed families within the health care community enables us to understand and  
16 describe how these biases are manifested and impact these families. We also know from our  
17 members that some LGBT parents fear exposing their children to negative interactions and  
18 discrimination resulting from providers' failure to understand and respect their family relationships.  
19 This fear impedes the establishment of the trusting provider-patient relationships that strengthen child  
20 and family health.

21 8. Because of the practical problems and emotional harms inflicted because California  
22 law relegates lesbian and gay couples and their families to the lesser family status of registered  
23 domestic partnership, Our Family Coalition has been actively involved in challenging the  
24 constitutionality of the exclusion of same-sex couples from the right to marry. We were a  
25 plaintiff/petitioner in *Woo v. Lockyer*, San Francisco Superior Court Case No. CPF-04 504038, which  
26 was consolidated with five other cases in the *In re Marriage Cases* action, California Supreme Court  
27 Case No. S147999. We also filed an amicus brief in the legal challenge to Proposition 8, *Strauss v.*  
28 *Horton*, California Supreme Court Case No. S168047.

1           9.       Many of our members married last year after the California Supreme Court's ruling in  
2 *In re Marriage Cases* required equal treatment of lesbian and gay couples under the state's marriage  
3 laws. But many others did not do so in the months before passage of Proposition 8 re-imposed the  
4 anti-gay exclusion. Some did not marry because they did not wish to celebrate such an important life  
5 event on an accelerated time frame imposed by others, with the threat of a ballot measure looming  
6 over the experience, and some had other personal reasons for deciding the time was not right. Yet,  
7 many of our members who did not marry last year very much want the same freedom to marry  
8 enjoyed by other Californians, without regard to sexual orientation, and now are denied the ability to  
9 exercise that basic right by Proposition 8. These OFC members intend to and would marry but for  
10 Proposition 8's preventing them from doing so.

11           10.       Many of our members who did marry last year when California allowed same-sex  
12 couples to do so continue to experience discrimination and emotional harm as a result of Proposition  
13 8 because the anti-gay marriage rule causes others to doubt the validity of their marriages,  
14 notwithstanding the California Supreme Court's decision that they remain validly married, and  
15 because Proposition 8 has reinstated a sexual orientation-based class system within California's  
16 marriage laws that causes anti-gay social stigma even for those LGBT people who are married to a  
17 same-sex spouse.

18           11.       Our Family Coalition first learned of this legal challenge to Proposition 8 through  
19 media reports after it was filed in late May, 2009. This week we learned that there would be a trial  
20 that could require evidentiary presentations about a variety of issues involving LGBT individuals,  
21 same-sex couples, and their families.

22           12.       Our Family Coalition wishes to intervene in this case to advocate for the interests of  
23 our members and other similarly situated California families headed by same-sex couples – including  
24 those raising small children and those coping with additional forms of discrimination – to help ensure  
25 that these interests are represented as the court makes findings about the harms inflicted on us by  
26 Proposition 8 and the need to restore the freedom to marry for all Californians, regardless of sex and  
27 sexual orientation.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California on July 8, 2009.

  
JUDITH K. APPEL