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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 DAN ASHBROOK IN
SUPPORT OF MOTION TO INTERVENE**

The Honorable Chief Judge Vaughn R. Walker

Date: September 3, 2009
Time: 10:00 a.m.
Judge: Chief Judge Walker
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
5 ProtectMarriage.com – Yes on 8, a Project of
6 California Renewal,

7 Defendant-Intervenors.

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27 Attorneys for Proposed Plaintiff-Intervenors Our Family Coalition;
28 Lavender Seniors of the East Bay; and Parents, Families, and Friends of Lesbians and Gays

1 I, Dan Ashbrook, declare:

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

4 2. I am the Director of Lavender Seniors of the East Bay (“Lavender Seniors”).

5 3. Lavender Seniors is a nonprofit organization serving older members of the lesbian,
6 gay, bisexual, and transgender (“LGBT”) community in the Eastern counties of the San Francisco
7 Bay area of California, specifically focusing on Alameda and Contra Costa Counties. We estimate
8 that there are between 20,000 and 30,000 LGBT seniors living in the East Bay. Lavender Seniors has
9 approximately 1000 members and volunteers, most of whom are LGBT individuals over the age of
10 65.

11 4. Lavender Seniors organizes regular social gatherings for our senior members to
12 connect them to others in the community and provide them with important information about aging as
13 LGBT seniors. Our volunteers provide social support and assistance for LGBT seniors who are
14 isolated and lonely. We also advise government agencies and nonprofit organizations through
15 cultural competency training and other advocacy work about how better to meet the particular needs
16 of the LGBT senior population, many of which are exacerbated by exclusion from marriage and the
17 resulting, pervasive social stigma. Many of our members participate in our Speakers Panel, sharing
18 personal stories and experiences to educate mainstream organizations that serve seniors about the
19 special needs of the LGBT senior population.

20 5. Lavender Seniors’ members and the LGBT seniors that we serve include individuals
21 from all racial, ethnic, and religious backgrounds and all walks of life. Our members have worked in
22 virtually every profession, including police officers, teachers, fire fighters, and professionals. A
23 number of our members have served their country honorably in the armed forces. Many have raised
24 children.

25 6. Many of our members are currently in committed relationships and wish to marry their
26 same-sex partners. Many have previously suffered the loss of a beloved partner without having had
27 the opportunity to marry and have first-hand knowledge of the costs of that denial. All of our
28

1 members would like to be treated as equal citizens who have the same basic rights and freedoms as
2 others, including the freedom to marry.

3 7. Many of our members who have been in long-term same-sex relationships without
4 being able to marry have experienced greater insecurity, stress and legal difficulties because their
5 relationships did not receive the automatic recognition and respect afforded spousal relationships.
6 Some have had their wishes regarding medical care or hospital visitation ignored by medical staff or
7 relatives. Some have had plans regarding property or children overridden.

8 8. Many of our members have concluded from their life experience that LGBT people
9 will not be treated equally as long as same-sex couples are excluded from marriage. Most of our
10 members grew up when hostility toward gay people was enshrined in criminal laws and pervasively
11 expressed. Most have coped with the pain and fear of social ostracism and, for some, physical
12 threats. Most who raised children saw the often-cruel treatment of those known to have gay parents.
13 Our members' life experience is important evidence bearing on the issues before this court.

14 9. Our members also wish to participate in this case to help establish that marriage
15 matters to older gay people for positive emotional reasons as well. They wish to show that lesbians
16 and gay men sometimes find love again in later years and want to celebrate their happiness, and knit
17 their families together, just as older heterosexuals sometimes do. Our members' experiences
18 demonstrate that marriage is not just about younger couples starting lives together and raising
19 children and also that, contrary to some stereotypes, the LGBT community includes all age groups,
20 not just younger people.

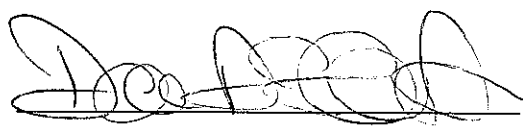
21 10. We first learned of the present lawsuit through press reports after it was filed in late
22 May, 2009. We recently learned that the case may include a trial that could require evidentiary
23 presentations about a variety of issues concerning LGBT individuals, same-sex couples, their families
24 and the ways they are harmed by California's exclusion of lesbian and gay couples from marriage.

25 11. Lavender Seniors would like to intervene in this case to advocate for the interests of
26 our members and all similarly situated LGBT seniors to help ensure that these interests are
27 represented as the court makes findings about anti-gay discrimination generally, the harms inflicted
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1 on us by Proposition 8 in particular, and the need to restore the freedom to marry for all Californians,
2 regardless of sex and sexual orientation.

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



Dan Ashbrook