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REGISTRAR-RECORDER/COUNTY
7 CLERK

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

11 ProtectMarriage.com - Yes on 8, a Project of
12 California Renewal; National Organization for
Marriage California - Yes on 8, Sponsored by
13 National Organization for Marriage, John Doe
#1, an individual, and as a representative of the
14 Class of Major Donors; and National
Organization for Marriage California PAC
15 Plaintiffs,

v.

16 **Debra Bowen**, Secretary of State for the State of
California, her official capacity; **Edmund G.**
17 **Brown, Jr.**, Attorney General for the State of
California, in his official capacity; **Dean C.**
18 **Logan**, Registrar-Recorder of Los Angeles
County, California in his official capacity;
19 **Department of Elections - City and County of**
San Francisco, Jan Scully, District Attorney for
20 Sacramento County, California, in her official
capacity and as a representative of the class of
21 District Attorneys in the State of California;
DENNIS J. HERRERA, City Attorney for the
22 city and county of San Francisco, California in
his official capacity and as a representative of the
23 Class of Elected City Attorneys in the State of
California; **Ross Johnson, Timothy Hodson,**
24 **Eugene Huguenin, Jr., Robert Leidigh, and**
Ray Remy, members of the California Fair
25 Political Practices Commission, in their official
capacities,
26 Defendants.

CASE NO. 2:09-CV-0058-
MCE-DAD

**ANSWER OF DEFENDANT
DEAN C. LOGAN TO
THIRD AMENDED
COMPLAINT**

Judge Morrison C. England, Jr.

1 Defendant Dean Logan, in his capacity as Los Angeles County Registrar-
2 Recorder/County Clerk, hereby answers Plaintiffs' Second Amended Complaint as
3 follows:
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5 1. Answering paragraphs 1, 2, 3 and 4, this answering Defendant contends
6 that said paragraphs contain conclusions of law and not averments of fact to which
7 an answer may be required, but insofar as an answer may be deemed required, this
8 answering Defendant generally and specifically denies each and every allegation in
9 said paragraphs.
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11 I.

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13 **JURISDICTION AND VENUE**

14 2. Answering paragraphs 5, 6 and 7, this answering Defendant contends
15 that said paragraphs contain conclusions of law and not averments of fact to which
16 an answer may be required, but insofar as an answer may be deemed required, this
17 answering Defendant generally and specifically denies each and every allegation in
18 said paragraphs.
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20 II.

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22 **PARTIES**

23 3. Answering paragraphs 8, 9, 10, 11, 12, 13 and 14, this answering
24 Defendant lacks sufficient information or knowledge to enable him to answer the
25 allegations contained in said paragraph, and basing his denial on that ground,
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27 HOA.619735.1

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1 generally and specifically denies each and every allegation contained in said
2 paragraphs.

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4 4. Answering paragraph 15, this answering Defendant admits that Debra
5 Bowen is the Secretary of State of California. Answering the remaining allegations
6 contained in said paragraph, this answering Defendant contends that said paragraph
7 contains conclusions of law and not averments of fact to which an answer may be
8 required, but insofar as an answer may be deemed required, this answering
9 Defendant generally and specifically denies each and every allegation in said
10 paragraph. 5.
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13 5. Answering Paragraph 16, this answering Defendant admits that
14 Edmund Brown, Jr., is the Attorney General of California. Answering the remaining
15 allegations contained in said paragraph, this answering Defendant contends that said
16 paragraph contains conclusions of law and not averments of fact to which an answer
17 may be required, but insofar an answer may be deemed required, this answering
18 Defendant generally and specifically denies each and every allegation in said
19 paragraph.
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22 6. Answering Paragraphs 18 and 19, this answering Defendant lacks
23 sufficient information or knowledge to enable him to answer the allegations
24 contained in said paragraphs, and basing his denial on that ground, generally and
25 specifically denies each and every allegation contained in said paragraphs.
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AMENDED COMPLAINT

1 Defendant generally and specifically denies each and every allegation in said
2 paragraphs.

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4 IV.

5 **FACTS**

6 10. Answering paragraphs 24 through 65, this answering Defendant lacks
7 sufficient information or knowledge to enable him to answer the remaining
8 allegations contained in said paragraphs, and basing his denial on that ground,
9 generally and specifically denies each and every allegation contained in said
10 paragraphs.
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13 V.

14 **COUNT 1**

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16 11. Answering paragraph 66, this answering Defendant incorporates by
17 reference his responses to paragraphs 1 through 65 as though fully restated herein.

18 12. Answering paragraphs 67 through 78 (including footnotes), this
19 answering Defendant contends that said paragraphs contain conclusions of law and
20 not averments of fact to which an answer may be required, but insofar as an answer
21 may be deemed required, this answering Defendant generally and specifically denies
22 each and every allegation in said paragraphs.
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25 13. Answering paragraphs 79 through 85, this answering Defendant lacks
26 sufficient information or knowledge to enable him to answer the allegations
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1 contained in said paragraphs, and basing his denial on that ground, generally and
2 specifically denies each and every allegation contained in said paragraphs. In
3 addition, Defendant contends that said paragraphs contain conclusions of law and
4 not averments of fact to which an answer may be required, but insofar as an answer
5 may be deemed required, this answering Defendant generally and specifically denies
6 each and every allegation in said paragraphs.
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9 **Prayer for Relief**

10 14. Answering paragraph 86 and its subparagraphs of Plaintiffs' Prayer for
11 Relief, this answering Defendant contends that said paragraphs do not contain
12 averments of fact to which an answer may be required, but insofar as an answer may
13 be deemed required, Defendant generally and specifically denies each and every
14 allegation in said paragraphs.
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17 VI.

18 **COUNT 2**

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20 15. Answering paragraph 87, this answering Defendant incorporates by
21 reference his responses to paragraphs 1 through 86 as though fully restated herein.
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23 16. Answering paragraphs 88 through 98, this answering Defendant lacks
24 sufficient information or knowledge to enable him to answer the allegations
25 contained in said paragraphs, and basing his denial on that ground, generally and
26 specifically denies each and every allegation contained in said paragraphs. In
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1 addition, Defendant contends that said paragraphs contain conclusions of law and
2 not averments of fact to which an answer may be required, but insofar as an answer
3 may be deemed required, this answering Defendant generally and specifically denies
4 each and every allegation in said paragraphs.
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6 **Prayer for Relief**

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8 17. Answering paragraph 99 and its subparagraphs of Plaintiffs' Prayer for
9 Relief, this answering Defendant contends that said paragraphs do not contain
10 averments of fact to which an answer may be required, but insofar as an answer may
11 be deemed required, Defendant generally and specifically denies each and every
12 allegation in said paragraphs.
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14 VII.

15 **COUNT 3**

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17 18. Answering paragraph 100, this answering Defendant incorporates by
18 reference his responses to paragraphs 1 through 99 as though fully restated herein.
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20 19. Answering paragraphs 101 through 110, this answering Defendant
21 lacks sufficient information or knowledge to enable him to answer the allegations
22 contained in said paragraphs, and basing his denial on that ground, generally and
23 specifically denies each and every allegation contained in said paragraphs. In
24 addition, Defendant contends that said paragraphs contain conclusions of law and
25 not averments of fact to which an answer may be required, but insofar as an answer
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1 may be deemed required, this answering Defendant generally and specifically denies
2 each and every allegation in said paragraphs.

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4 **Prayer for Relief**

5 20. Answering paragraph 111 and its subparagraphs of Plaintiff's Prayer
6 for Relief, this answering Defendant contends that said paragraphs do not contain
7 averments of fact to which an answer may be required, but insofar as an answer may
8 be deemed required, Defendant generally and specifically denies each and every
9 allegation in said paragraphs.
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12 VIII.

13 **COUNT 4**

14 21. Answering paragraph 112, this answering Defendant incorporates by
15 reference his responses to paragraphs 1 through 111 as though fully restated herein.
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17 22. Answering paragraph 113 through 123, this answering Defendant lacks
18 sufficient information or knowledge to enable him to answer the allegations
19 contained in said paragraphs, and basing his denial on that ground, generally and
20 specifically denies each and every allegation contained in said paragraphs. In
21 addition, Defendant contends that said paragraphs contain conclusions of law and
22 not averments of fact to which an answer may be required, but insofar as an answer
23 may be deemed required, this answering Defendant generally and specifically denies
24 each and every allegation in said paragraphs.
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Prayer for Relief

23. Answering paragraph 124 and its subparagraphs of Plaintiffs ' Prayer for Relief, this answering Defendant contends that said paragraphs do not contain averments of fact to which an answer may be required, but insofar as an answer may be deemed required, Defendant generally and specifically denies each and every allegation in said paragraphs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state facts sufficient to constitute claims upon which relief can be granted against this answering Defendant as a State mandated filing officer.

SECOND AFFIRMATIVE DEFENSE

2. Defendant is mandated by statute to perform the ministerial duty as a filing officer therefore this action against him is without basis in law.

3. Plaintiffs' claims and each of them are barred on the grounds that Plaintiffs lack any remedy and therefore the Court lacks jurisdiction over any such claims.

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WHEREFORE, Defendant Dean C. Logan prays for judgment as follows:

1. That Plaintiffs' action be dismissed;
2. That Plaintiffs take nothing by way of their Complaint;
3. That Defendant be awarded her costs of suit, including attorney fees; and,
4. For such other relief as the Court deems proper.

DATED: June 11, 2009

Respectfully submitted,

OFFICE OF THE COUNTY COUNSEL

By /s/ Judy W. Whitehurst
 JUDY W. WHITEHURST
 Principal Deputy County Counsel

Attorneys for Dean C. Logan, Los Angeles
 County Registrar-Recorder/County Clerk