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July 1, 2013

Molly Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: *Pickup et al. v. Brown et al.*, Case No. 12-17681

Dear Ms. Dwyer:

Equality California submits this response to Plaintiffs' "Citation of Supplemental Authorities," dated June 28, 2013.

Hollingsworth et al. v. Perry et al., 570 U.S. ____ (2013) ("*Perry*"), has no bearing on Equality California's standing to participate in this action as an intervenor. In *Perry*, the Supreme Court held that, where state officials named as defendants declined to defend a state constitutional amendment, individuals who wished to pursue an appeal in the state officials' stead could not do so. *Perry*, slip op. at 6. The situation in *Perry* bears no resemblance to this appeal. Defendant-Intervenor Equality California does not seek to step into the shoes of the State of California to appeal a trial court decision that the responsible state officials have elected not to appeal. Here, the state officials are defending SB 1172 on appeal. Moreover, the Supreme Court in *Perry* held that the ballot initiative proponents who sought to defend Proposition 8 lacked standing because they were not aggrieved or affected in any way by the district court decision striking it down. *Perry*, slip op. at 7. By contrast, Equality California counts among its members individuals who may be subjected to the dangerous practices addressed by SB 1172, or whose children may be subjected to them. Thus, Equality California has a "direct stake" in the outcome of this case. *Id.* (See also SER at 4 (Order granting intervention).)¹

In short, *Perry* is not "pertinent and significant" to the questions before this Court. FRAP 28(j).

Very truly yours,

A handwritten signature in blue ink, appearing to read "Shannon P. Minter", is written in a cursive style.

Shannon P. Minter

¹ The district court's decision to grant Equality California permissive intervention pursuant to F.R.C.P. 24 is not before this Court. Although Plaintiffs initially appealed that issue, this Court granted Plaintiffs' motion to dismiss that appeal on January 17, 2013. *Pickup et al. v. Brown et al.*, Case 12-17744, Dkt. Entry 7 (Jan. 17, 2013).