

JUL 22 2013

S211990

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
For: A. McGuire Clerk
Deputy

DENNIS HOLLINGSWORTH; GAIL J. KNIGHT; MARTIN F.
GUTIERREZ; MARK A. JANSSON; AND
PROTECTMARRIAGE.COM-YES ON 8, A PROJECT OF
CALIFORNIA RENEWAL,
Petitioners,

v.

PATRICK O'CONNELL, IN HIS OFFICIAL CAPACITY AS
AUDITOR-CONTROLLER/COUNTY CLERK-RECORDER OF
ALAMEDA COUNTY, ET AL.,
Respondent

EDMUND G. BROWN JR., in his official capacity as Governor of the
State of California, et al.

Real Parties in Interest.

**NOTICE OF JOINDER BY RESPONDENT DEAN C. LOGAN,
REGISTRAR-RECORDER/COUNTY CLERK OF LOS ANGELES
COUNTY, IN THE PRELIMINARY OPPOSITION OF
RESPONDENT PATRICK O'CONNELL TO THE WRIT OF
MANDATE**

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**NOTICE OF JOINDER OF RESPONDENT DEAN LOGAN,
REGISTRAR-RECORDER/COUNTY CLERK OF LOS ANGELES
COUNTY, IN THE PRELIMINARY OPPOSITION OF
RESPONDENT PATRICK O'CONNELL, COUNTY CLERK-
RECORDER OF ALAMEDA COUNTY**

Pursuant to California Rules of Court, rule 8.200(a)(5), Respondent Dean Logan ("Logan"), Registrar-Recorder/County Clerk of Los Angeles County, respectfully joins in the arguments presented by Respondent Patrick O'Connell ("O'Connell"), Auditor-Controller/County Clerk-Recorder of Alameda County, in his preliminary opposition to the petition for writ of mandate. Logan joins in opposition because, as one of the original defendants in *Perry v. Schwarzenegger* (N.D. Cal. 2010) 704 F.Supp.2d 921, Logan is also subject to a the federal injunction that orders him not to enforce Proposition 8.

As is true with O'Connell, throughout the *Perry* litigation Logan has also maintained a neutral position as to the constitutionality of Proposition 8. His past and present intention is to carry out his official duties consistent with law. Pursuant to the order of the District Court, Logan is permanently enjoined from applying or enforcing Proposition 8. Since the Ninth Circuit Court of Appeals lifted the stay on the injunction issued by the District Court, Logan and his staff, consistent with the District Court's order, have been issuing marriage licenses to same sex couples and registering those marriages when they take place in Los Angeles County.

Logan respectfully submits that, pursuant to the authorities cited by O'Connell, the breadth and scope of the federal injunction in *Perry v. Schwarzenegger* cannot and should not be collaterally attacked in state court. Should this Court issue an order at odds with the federal court's decision, Logan would be placed in the untenable position of having to comply with one judicial order and at the same time, be in contempt of the other.

Thus, Logan joins with O'Connell and requests that the Court deny the writ in order to avoid a conflict in law that puts Logan and O'Connell in an impossible position.

DATED: July 19, 2013

Respectfully submitted,

JOHN F. KRATTLI
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By 

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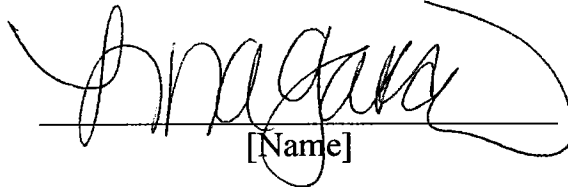
DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Lisa Garcia states: I am over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Kenneth Hahn Hall of Administration, 500 West Temple Street, County of Los Angeles, State of California; that I am readily familiar with the business practice of the Los Angeles County Counsel for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business.

That on July 22, 2013, I served the attached Notice of Joinder by Respondent Dean C. Logan, in the Preliminary Opposition of Respondent Patrick O'Connell to the Writ of Mandate, upon Interested Parties (**See attachment A**) by depositing copies thereof, enclosed in a sealed envelope and placed for collection and mailing on that date following ordinary business practices in the United States Postal Service, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2013, at Los Angeles, California.


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