

California Court of Appeal, First Appellate District, Division 3

MONA FIELD, RICHARD  
WINGER, STEPHEN A.  
CHESSIN, JENNIFER  
WOZNIAK, JEFF  
MACKLER, and RODNEY  
MARTIN,

*Appellants,*

vs.

DEBRA BOWEN, et al.,

*Respondents;*

ABEL MALDONADO, et al.;

*Intervenors-Respondents;*

CASE NO. A129946

**DECLARATION OF GAUTAM  
DUTTA IN SUPPORT OF  
APPELLANTS' OPENING BRIEF  
AND MOTION TO INTERVENE  
BY MICHAEL CHAMNESS**

[Arising from the denial of  
Petitioner's Motion for Preliminary  
Injunction on Oct. 5, 2010 by Hon.  
Charlotte Walter Woolard, Dept. 302,  
Superior Court for the County of San  
Francisco (Civic Center), 400  
McAllister St., San Francisco, CA  
94102; 415.551.3723; Case No. CGC-  
10-502018]

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*Attorney for Appellants and Intervenor-  
Applicant Michael Chamness*

Gautam Dutta, Esq. declares:

A. I am an attorney licensed to practice in the State of California, and have been a member of the State Bar of California since 1998 (Bar No. 199326). I represent Appellants and Intervenor-Applicant Michael Chamness in this matter.

B. Mr. Chamness is a certified candidate in the February 15, 2011 Special Primary Election for Senate District 28 (the “SD 28 Primary Election”). Senate District 28 lies entirely within Los Angeles County.

C. On January 21, 2011, counsel for Respondent Dean Logan (Los Angeles County’s voter registrar) sent me a copy of the sample ballot for the SD 28 Primary Election. The sample ballot, attached as Exhibit 1, states that Mr. Chamness has “No Party Preference”.

D. Like the sample ballot, the vote-by-mail and election-day ballots for the SD 28 Primary Election will also state that Mr. Chamness has “No Party Preference”. Today is the first day on which voters may cast vote-by-mail ballots in the SD 28 Primary Election.

E. I have attached true and accurate copies of the following documents:

1. Exhibit 2: A true and accurate copy of the Secretary of State's "Certified List of Candidates for the SD 28 Primary Election", which states that Mr. Chamness has "No Party Preference".

2. Exhibit 3: A true and accurate copy of Appellants' Verified First Amended Complaint ("FAC"), which has been designated as pages 1600 through 1682 of Appellants' Appendix. (Due to a printing glitch, some pages of the FAC had been inadvertently omitted from the Appendix.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and is based on my personal knowledge, except for matters stated on information and belief; as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

Respectfully submitted,

January 21, 2011

GAUTAM DUTTA

By: \_\_\_\_\_

Gautam Dutta

*Attorney for Appellants and*

*Intervenor-Applicant*

*Michael Chamness*

PROOF OF SERVICE

I, Gautam Dutta, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action.

On Jan. 21, 2011, I served the following document(s):

- (1) Declaration of Gautam Dutta in Support of Appellants' Opening Brief and Motion to Intervene by Michael Chamness

on the following persons at the locations specified:

A. Mark Beckington, Esq., Office of the Attorney General, 300 South Spring St., Suite 1702, Los Angeles, CA 90013; 213.879.1096 (attorney for Respondent Bowen).

B. Steve Mitra, Esq., Office of Santa Clara County Counsel, 70 W. Hedding St., 9<sup>th</sup> Floor, East Wing, San Jose, CA 95110; 408.299.5916 (attorney for Respondent Durazo).

C. Raymond Lara, Esq., Office of Alameda County Counsel, 1221 Oak St., Ste. 450, Oakland, CA 94612; 510.272.6700 (attorney for Respondent Macdonald).

D. Mollie Lee, Esq., Office of the San Francisco City Attorney, 1 Dr. Carlton B. Goodlet Place, Ste. 234, San Francisco, CA 94102; 415.554.4705 (attorney for Respondent Arntz).

E. Wendy J. Phillips, Esq., Office of Orange County Counsel, 333 W. Santa Ana Blvd., Ste. 407, Santa Ana, CA 92702; 714.834.6298 (attorney for Respondent Kelley).

F. Kathleen Taylor, Esq., Office of Tulare County Counsel, 2900 W. Burrell St., Visalia, CA 93291; 559.636.4950 (attorney for Respondent Woodard).

G. Patrice J. Salseda, Esq., Office of Los Angeles County Counsel, 500 W. Temple St., Rm. 648, Los Angeles, CA 90012-2713; 213.974.1895 (attorney for Respondent Logan).

H. Marguerite Mary Leoni, Esq., Nielsen Merksamer, 2350 Kerner Blvd., Ste. 250, San Rafael, CA 94901; 415.389.6800 (attorney for Intervenors-Respondents).

I. The Honorable Loretta Giorgi, Department 302, San Francisco County Superior Court, 400 McAllister St., San Francisco, CA 94102.

Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelopes and placed them, postage prepaid, for collection and mailing with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed Jan. 21, 2011, in Fremont, California.

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Gautam Dutta