

No. 11-56449

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MICHAEL CHAMNESS, DANIEL FREDERICK, and RICH WILSON

Plaintiffs / Appellants,

JULIUS GALACKI

Intervenor-Applicant / Appellant,

-v.-

DEBRA BOWEN, in only her official capacity as California Secretary of State, and
DEAN LOGAN, in only his official capacity as Registrar-Recorder / County Clerk of Los
Angeles County,

Defendants / Appellees

ABEL MALDONADO, CALIFORNIA INDEPENDENT VOTER PROJECT,
CALIFORNIANS TO DEFEND THE OPEN PRIMARY,

Intervenors-Defendants / Appellees

*ON APPEAL FROM CENTRAL DISTRICT OF CALIFORNIA ORDERS (1) DENYING
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND GRANTING SUMMARY
JUDGMENT IN FAVOR ON NON-MOVING PARTIES, AND (2) GRANTING
INTERVENORS-DEFENDANTS' MOTION TO INTERVENE*

NOTICE OF STATE COURT ORDER IN RELATED CASE

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TO THE COURT AND ALL PARTIES OF RECORD:

Please take notice that the California Court of Appeal (before which a related case is pending)¹ has refused to consider newly released evidence concerning Senate Bill 6 (SB 6), the statute at issue in this litigation.

In its Sept. 7, 2011 legislative analysis,² the California Senate Committee on Elections and Constitutional Amendments stated that SB 6's provisions regarding write-in voting "could *create confusion*, and could *mislead voters into thinking that write-in votes for candidates ... at a general election will be counted.*"³

After being apprised of the California Senate's analysis of SB 6, the California Court of Appeal issued an order barring that new evidence from entering the record.⁴ The California Court of Appeal is expected to issue a ruling on SB 6 shortly.

¹ *Mona Field v. Debra Bowen* (Court of Appeal, First District No. A129946) challenges the facial constitutionality of Senate Bill 6, and seeks an injunction against Senate Bill 6 and Proposition 14. *See* Sept. 15, 2011 Re-Filed Motion to Expedite Appeal (Docket No. 5-1), at 10, 11, 15.

² The California Senate's analysis has been attached as Exhibit 21 to Plaintiffs' Sept. 15, 2011 Re-Filed Request for Judicial Notice (Docket No. 6-1), and was also attached to the *Field* Plaintiffs' Sept. 7, 2011 letter to the California Court of Appeal (attached as Exhibit 1 to this Notice).

³ *Field* Plaintiffs' Sept. 7, 2011 letter to the California Court of Appeal (attached as Exhibit 1 to this Notice), at 1 (emphases added). *See also supra* note 2.

⁴ The Court of Appeal's Sept. 15, 2011 order has been attached as Exhibit 2 to this Notice.

Executed on Sept. 19, 2011, in Fremont, California.

DATED: Sept. 19, 2011

By: /s/ _____
GAUTAM DUTTA, ESQ.

CERTIFICATE OF SERVICE

On Sept. 19, 2011, I served, via ECF, an electronic copy of this Notice of State Court Order in Related Case.

/s/ _____

GAUTAM DUTTA