

RECEIVED

MAR 1 2009

DEPT 31

FILED

MAY - 4 2009 *Entd*

By

A. Lee
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

AMBASSADOR DR. ALAN KEYES; DR. WILEY
S. DRAKE, SR.; AND MARKHAM ROBINSON,

Petitioners,

v.

CALIFORNIA SECRETARY OF STATE DEBRA
BOWEN; SENATOR BARACK HUSSEIN
OBAMA; SENATOR JOE BIDEN; CALIFORNIA
DEMOCRATIC PARTY ELECTORS: ALEITA
HUGUENIN, LOU PAULSON, IAN BLUE, MARK
CIBULA, RICHARD HUNDRIESER, LAWRENCE
DUBOIS, MARK FRIEDMAN, MARY HUBERT,
FRED JACKSON, LEROY KING, ROBERTA
BROOKS, AUDREY GORDON, MICHAEL
MCNERNEY, NANCY PARRISH, JAMES
FARLEY, JOHN FREIDENRICH, JEREMY
NISHIHARA, JAIME ALVARDO, VINZ KOLLER,
GREGORY OLZACK, DAVID SANCHEZ,
LARRY SHEINGOLD, STEPHEN SMITH, MARK
MACARRO, NATHAN BROSTROM, ROBERT
"BOB" HANDY, ROBERT CONAWAY, GREG
WARNER, LANE SHERMAN, ILENE HUBER,
KENNETH SULZER, SANFORD WEINER, ANA
DELGADO MASCARENAS, JOE PEREZ, GWEN
MOORE, ANTHONY RENDON, KAREN
WATERS, KELLEY WILLIS, SILISSA URIARTE-
SMITH, NORMA TORRES, ALMA MARQUEZ,
RAY CORDOVA, PATRICK KAHLE, AARUNI,
THAKUR, JOE BACA, JR., JUADINA
STALLINGS, BETTY MCMILLION, WILLIAM
AYER, GREGORY WILLENBORG, JAMES
YEDOR, BOBBY GLASER, MARY KEADLE,
FRANK SALAZAR, CHRISTINE YOUNG, SID
VOORAKKARA, AND DOES 1-100,

Respondents.

Case No. 34-2008-80000096-CU-
WM-GDS

Assigned to the Honorable Michael
P. Kenny, Department 31

**[PROPOSED] JUDGMENT
DISMISSING FIRST AMENDED
PETITION FOR WRIT OF
MANDATE**

Date: March 13, 2009

Time: 9:00 a.m.

Dept: 31

(Costs Posted)

JUN 10 2009

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JUDGMENT

On March 13, 2009, at 9:00 a.m., the demurrers of respondents Secretary of State Debra Bowen, President Barack Obama, Vice-President Joe Biden, and the California Electors to the First Amended Petition for Writ of Mandate came on regularly for hearing in department 31 of this Court, the Honorable Michael P. Kenny, judge presiding. Peter A. Krause appeared on behalf of respondent Secretary of State Debra Bowen, Gary G. Kreep appeared on behalf of petitioners Ambassador Dr. Alan Keyes, Dr. Wiley S. Drake, Sr., and Markham Robinson, and Michael J. Strumwasser and Aimee Dudovitz appeared on behalf of respondents President Barack Obama, Vice President Joe Biden, and the California Electors. The Court sustained Respondents' demurrers without leave to amend, and therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the First Amended Petition for Writ of Mandate is dismissed;
2. That respondent Secretary of State Debra Bowen shall recover costs in the amount of \$ 350.00 pursuant to Government Code section 6103.5;
3. That respondent President Barack Obama shall recover costs in the amount of \$ 520.00;
4. That respondent Vice-President Joe Biden shall recover costs in the amount of \$ 520.00 and
5. That respondent Joe Perez shall recover costs in the amount of \$ _____.

DATED: May 4, 2009



[Signature]
MICHAEL P. KENNY
Judge of the Superior Court

JUN 10 2009
A. WOODWARD

[Signature]
Memo of Costs Clerk