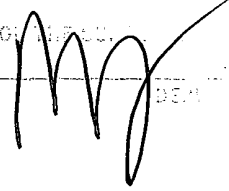




FILED
ALAMEDA COUNTY
2012 OCT -1 PM 2:34

BY 

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

NIELSEN MERKSAMER
PARRINELLO GROSS & LEONI LLP
JAMES R. PARRINELLO (SBN 63415)
MARGUERITE MARY LEONI (SBN 101696)
CHRISTOPHER E. SKINNELL (SBN 227093)
2350 Kerner Boulevard, Suite 250
San Rafael, California 94901
TELEPHONE: (415) 389-6800
FACSIMILE: (415) 388-6874
Email: jparrinello@nmgovlaw.com
Email: mleoni@nmgovlaw.com
Email: cskinnell@nmgovlaw.com

Attorneys for Intervener-Defendants
INDEPENDENT VOTER PROJECT, DAVID
TAKASHIMA, ABEL MALDONADO &
CALIFORNIANS TO DEFEND THE OPEN
PRIMARY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

MICHAEL RUBIN, STEVE COLLETT,
MARSHA FEINLAND, CHARLES L.
HOOPER, KATHERINE TANAKA, C.T.
WEBER, CAT WOODS, GREEN PARTY OF
ALAMEDA COUNTY, LIBERTARIAN PARTY
OF CALIFORNIA, and PEACE AND
FREEDOM PARTY OF CALIFORNIA,

Plaintiffs,

vs.

DEBRA BOWEN, in her official capacity as
California Secretary of State,

Defendant.

INDEPENDENT VOTER PROJECT, DAVID
TAKASHIMA, ABEL MALDONADO &
CALIFORNIANS TO DEFEND THE OPEN
PRIMARY,

Intervener-Defendants.

Case No.: RG11605301
ASSIGNED FOR ALL
PURPOSES TO JUDGE
LAWRENCE JOHN APPEL

**INTERVENER-
DEFENDANTS' NOTICE OF
SUPPLEMENTAL
AUTHORITY IN SUPPORT
OF DEMURRER TO
VERIFIED FIRST
AMENDED COMPLAINT**

DATE: October 9, 2012
TIME: 9:00 a.m.
DEPT: 16

BY FAX

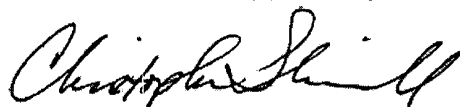
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Intervener-Defendants hereby respectfully inform the Court that earlier today the United States Supreme Court denied certiorari in *Washington State Republican Party v. Washington State Grange*, 676 F.3d 784 (9th Cir. 2012) (“*Washington II*”), *cert. denied sub nom. WA. Democratic Central Comm. v. WA State Grange*, 568 U.S. ___ (Oct. 1, 2012), and *Libertarian Party of WA, et al. v. WA State Grange, et al.*, 568 U.S. ___ (Oct. 1, 2012). A true and correct copy of the relevant pages of the Supreme Court’s order, downloaded from the Court’s website, is attached hereto.

Respectfully submitted,

Dated: October 1, 2012

NIELSEN MERKSAMER
PARRINELLO GROSS & LEONI LLP



By: _____
Christopher E. Skinnell
Attorneys for Intervener-Defendants

1 **PROOF OF SERVICE**

2 I am employed in the County of Marin, State of California. I am over the age
3 of 18 and not a party to the within cause of action. My business address is, 2350
4 Kerner Boulevard, Suite 250, San Rafael, California 94901.

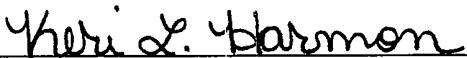
5 On October 1, 2012, I caused the foregoing document described as
6 **INTERVENER-DEFENDANTS' NOTICE OF SUPPLEMENTAL**
7 **AUTHORITY IN SUPPORT OF DEMURRER TO VERIFIED FIRST**
8 **AMENDED COMPLAINT** to be served on the individuals listed below as
9 follows:

10 Dan Siegel, Esq. 11 Michael Siegel, Esq. 12 Siegel & Yee 13 499 14th Street, #220 14 Oakland, CA 94612 15 Ph: (510) 839-1200 16 Email: danmsiegel@gmail.com 17 Email: michaeljwsiegel@gmail.com (Attorneys for Plaintiffs)	10 Mark Beckington, Esq. 11 Deputy Attorney General 12 Office of the Attorney General 13 300 South Spring St., Suite 1702 14 Los Angeles, CA 90013-1230 15 Ph: (213) 897-1096 16 Email: mark.beckington@doj.ca.gov (Attorney for Defendant Debra Bowen)
--	--

17 X **BY U.S. MAIL:** By following ordinary business practices and placing for
18 collection and mailing at 2350 Kerner Blvd., Suite 250, San Rafael,
19 California 94901 a true copy of the above-referenced document(s), enclosed
20 in a sealed envelope; in the ordinary course of business, the above
21 documents would have been deposited for first-class delivery with the
22 United States Postal Service the same day they were placed for deposit, with
23 postage thereon fully prepaid, and sent to the parties listed above.

24 X **BY ELECTRONIC SERVICE:** By transmitting by email to the above
25 party(ies) at the above email addresses.

26 Executed in San Rafael, California on October 1, 2012. I declare under
27 penalty of perjury, under the laws of the State of California, that the foregoing is
28 true and correct.


Keri L. Harmon

(ORDER LIST: 568 U.S.)

MONDAY, OCTOBER 1, 2012

APPEALS -- SUMMARY DISPOSITIONS

11-1127 RADOGNO, CHRISTINE, ET AL. V. IL BOARD OF ELECTIONS, ET AL.

11-1404 BACKUS, VANDROTH, ET AL. V. SOUTH CAROLINA, ET AL.

The judgments are affirmed.

CERTIORARI -- SUMMARY DISPOSITIONS

11-1411 GIOVANNIELLO, EARLE V. ALM MEDIA, LLC

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Mims v. Arrow Financial Services, LLC*, 565 U.S. ____ (2012).

11-1458 CAMPBELL, MICHAEL L. V. UNITED STATES

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *Dorsey v. United States*, 567 U.S. ____ (2012).

11-1491 SIBLEY, MONTGOMERY B. V. USSC, ET AL.

Because the Court lacks a quorum, 28 U.S.C. §1, and since the only qualified Justice is of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U.S.C. §2109, which provides that under these circumstances "the court shall enter its order affirming the judgment of the court from which the case was

12-5375 CORNICK, JULE V. YU, BYONG
 12-5388 SANGSTER, LUMSDEN A. V. SAN BERNARDINO COUNTY SHERIFF
 12-5412 HARRIS, PAMELA V. QCA HEALTH PLAN, INC.
 12-5443 HANSON, RONALD, ET UX. V. CHANG, JUDGE, ETC., ET AL.
 12-5453 IN RE DAVID G. PRICE
 12-5473 IN RE RONALD HANSON, ET UX.
 12-5689 GLADDEN, WARREN K. V. BRYSON, SEC. OF COMMERCE
 12-5690 GLADDEN, WARREN K. V. VILSACK, SEC. OF AGRICULTURE
 12-5708 CELIO, ALBERT V. UNITED STATES
 12-5817 COOPER, NATHANIEL V. MSPB

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until October 22, 2012, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

11-994 MO ASSN. OF CLUB EXECS., ET AL. V. KOSTER, ATT'Y GEN. OF MO
 11-1047 STRONG, JAMES E. V. COMMUNITY STATE BANK, ET AL.
 11-1080 MANGONE, JAMES V. WONG, AARON
 11-1170 AMLONG & AMLONG, P.A., ET AL. V. DENNY'S, INC., ET AL.
 11-1187 BOSAMIA, RAMESH J., ET AL. V. CIR
 11-1188 ROSSUM, KRISTIN V. PATRICK, WARDEN, ET AL.
 11-1197 HADDEN, VERNON V. UNITED STATES
 11-1204 U.S. BANK NATIONAL ASSOCIATION V. AGUAYO, JOSE
 11-1218 HECK-DANCE, RUBLE L. V. INVERSIONES ISLETA MARINA
 11-1226 GARCIA-TORRES, JOSE V. HOLDER, ATT'Y GEN.
 11-1250 FINDWHAT.COM, ET AL. V. FINDWHAT INVESTOR GROUP
 11-1254 YOUNG, YANCIE V. CA, EX REL. PARKER

11-1256 VAN STADEN, ESTHEE V. ST. MARTIN, EUGENE
 11-1263) WA DEMOCRATIC CENTRAL COMM. V. WA STATE GRANGE, ET AL.
)
 11-1266) LIBERTARIAN PARTY OF WA, ET AL. V. WA STATE GRANGE, ET AL.
 11-1275 SIGMAPHARM, INC. V. MUTUAL PHARMACEUTICAL, ET AL.
 11-1281 FOREST PRESERVE DISTRICT V. FIRST NATIONAL BANK, ET AL.
 11-1284 DINTELMAN, JIM, ET AL. V. CHICOT COUNTY MEMORIAL HOSPITAL
 11-1286 HARVARD, JIMMY V. NORTHEAST IL REG. COMMUTER R.
 11-1287 JACKSON, MARTIN V. INTERNATIONAL FIBER CORPORATION
 11-1288 STEELE, JENARA, ET AL. V. GREEN TREE SERVICING, ET AL.
 11-1289 DAEWOO ELECTRONICS AMERICA, INC. V. T.C.L. INDUSTRIES HOLDINGS
 11-1290 BAKER, BOBBY V. ALABAMA
 11-1298 SERRANO, HILDA V. ZIEGLER, THOMAS L., ET AL.
 11-1301 CANTRELL, MICHAEL, ET AL. V. MURPHY, TX, ET AL.
 11-1304) HART, JERRY M. V. TEXAS
)
 11-1312) HART, WYNONNE T. V. TEXAS
 11-1305 FLINT, EDWARD H. V. BESHEAR, GOV. OF KY
 11-1306 FULMER, JAMES V. PENNSYLVANIA, ET AL.
 11-1310 CONTINENTAL INSURANCE CO. V. THORPE INSULATION CO., ET AL.
 11-1313 HOLLAND, BEKEIBA V. MICHIGAN
 11-1314 HOLLAND, ZEBADIAH V. MICHIGAN
 11-1318 ALFORD, CECIL E. V. TEXAS
 11-1319 CONTROLOTRON CORPORATION V. SIEMENS INDUSTRY, INC.
 11-1320 CALDWELL, CALVIN V. OHIO
 11-1322 SAMICA ENTERPRISES LLC, ET AL. V. MAIL BOXES ETC., INC., ET AL.
 11-1325 VEALE, WILLIAM W., ET AL. V. USCA 2
 11-1328 CUNNINGHAM, BENJAMIN V. McCLUSKEY, SEAN, ET AL.
 11-1329 STRUTTON, DENNIS W. V. MEADE, LINDA, ET AL.
 11-1331 SATTARI, MICHAEL V. CITIMORTGAGE, INC.