

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

KRISTIN M. PERRY, et al.,

Plaintiffs-Appellees,

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff-Intervenor-Appellee,

vs.

EDMUND G. BROWN JR., et al.,

Defendants,

DENNIS HOLLINGSWORTH, et al.

Defendants-Intervenors-Appellants.

Nos. 10-16696 & 11-16577

Decided Feb. 7, 2012

Circuit Judges Stephen Reinhardt,
Michael Hawkins, and N.R. Smith

U.S. District Court

Case No. 09-cv-02292 JW

**CITY AND COUNTY OF SAN FRANCISCO'S NOTICE OF
ERRATA TO CORRECTED RESPONSE TO PETITION FOR
REHEARING EN BANC**

On Appeal from the United States District Court
for the Northern District of California

The Honorable Chief District Judge Vaughn R. Walker (10-16696)
The Honorable Chief District Judge James Ware (11-16577)

DENNIS J. HERRERA, State Bar #139669

City Attorney

THERESE M. STEWART, State Bar #104930

Chief Deputy City Attorney

CHRISTINE VAN AKEN, State Bar #241755

MOLLIE M. LEE, State Bar #251404

Deputy City Attorneys

City Hall, Room 234

One Dr. Carlton B. Goodlett Place

San Francisco, California 94102-4682

Telephone: (415) 554-4708

Attorneys for Plaintiff-Intervenor-Appellee
CITY AND COUNTY OF SAN FRANCISCO

TO THE COURT AND TO ALL PARTIES:

PLEASE TAKE NOTICE that Plaintiff-Intervenor-Appellee City and County of San Francisco has submitted a Corrected Response to Petition for Rehearing En Banc. The Corrected Response corrects errors to the numbering of headings that appeared on pages (i) and 11.

Additionally, at page 15, the Corrected Response replaces the text "These cases, too, are consistent with the panel decision" with "*See also Diaz v. Brewer*, 656 F.3d 1008 (9th Cir. 2011) (elimination of benefits for same-sex partners lacked rational basis)."

Dated: March 2, 2012

Respectfully submitted,

DENNIS J. HERRERA
City Attorney
THERESE M. STEWART,
Chief Deputy City Attorney
CHRISTINE VAN AKEN
MOLLIE M. LEE
Deputy City Attorneys

By: / s/ Therese M. Stewart
THERESE M. STEWART
Chief Deputy City Attorney
Attorneys for Plaintiff-Intervenor-Appellee
CITY AND COUNTY OF SAN FRANCISCO

9th Circuit Case Numbers 10-16696 & 11-16577

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **CITY AND COUNTY OF SAN FRANCISCO'S NOTICE OF ERRATA TO CORRECTED RESPONSE TO PETITION FOR REHEARING EN BANC** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 2, 2012.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non- CM/ECF participants:

Bailey, Arthur, Jr.
HAUSFELD LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104

Brejcha, Thomas
Thomas More Society
29 S. La Salle Street, Suite 440
Chicago, IL 60603

Oliphant, Lincoln C.
Columbus School of Law
The Catholic University of America
Washington, DC 20064

Picarello, Anthony R., Jr., Attorney
United States Catholic Conference
3211 Fourth Street, Northeast
Washington, DC 02991-0194

Staver, Anita L.
Liberty Counsel
P.O. Box 540774
Orlando, FL 32854

Staver, Mathew D., Attorney
LIBERTY COUNSEL
1055 Maitland Center Commons, 2nd Fl.
Maitland, FL 32751

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed March 2, 2012, at San Francisco, California.

s/Pamela Cheeseborough
Pamela Cheeseborough