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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *M. Marnett*

1 BILL LOCKYER, Attorney General
 of the State of California
 2 LOUIS R. MAURO, Senior Assistant
 Attorney General
 3 KENNETH R. WILLIAMS, Supervising
 Deputy Attorney General
 4 JONATHAN K. RENNER (SBN 187138)
 Deputy Attorney General
 5 LESLIE R. LOPEZ (SBN 131979)
 Deputy Attorney General
 6 1300 I Street
 P.O. Box 944255
 7 Sacramento, CA 94244-2550
 Telephone: (916) 327-0973
 8 Facsimile: (916) 324-8835

9 **Attorneys for Defendant Kevin Shelley,
 Secretary of State of the State of California**

BY FAX

11 UNITED STATES DISTRICT COURT
 12 SOUTHERN DISTRICT OF CALIFORNIA

Filed By
One Legal

14 FRANK PARTNOY, an individual;
 15 LAURA ADAMS, an individual,
 RACHANA PATHAK, an individual,
 16 PETER STRIS, an individual, JASON
 WILSON, an individual; and
 17 CALIFORNIA INFORMED VOTERS
 GROUP, an unincorporated association,

Case No. 03 CV 1460-BTM

**KEVIN SHELLEY, SECRETARY
 OF STATE OF THE STATE OF
 CALIFORNIA'S ANSWER TO
 COMPLAINT IN INTERVENTION**

18 Plaintiffs,

The Honorable Barry T. Moskowitz

19 v.

20 KEVIN SHELLEY, in his official
 21 capacity as Secretary of State for the State
 of California; SALLY MCPHERSON, in
 22 her official capacity as the Registrar of
 Voters for the County of San Diego; and
 23 CONNY MCCORMACK, in her official
 24 capacity as the Registrar-Recorder/County
 Clerk for the County of Los Angeles,

25 Defendants.

26 SCOTT J. RAFFERTY,
 27

Intervenor.
28

1 Defendant Kevin Shelley, Secretary of State of the State of California,
2 hereby answers the Complaint in Intervention filed by Scott Rafferty by denying all
3 material allegations of fact. In further answer to the Complaint in Intervention, the
4 Secretary of State alleges as follows:

5 1. The Complaint in Intervention is an untimely Rule 59 motion for
6 reconsideration or for a new trial and no relief can be granted to the Intervenor.

7 2. The Court cannot grant relief under the Complaint in Intervention if
8 such relief would introduce uncertainty to California's recall election process.

9 3. The Complaint in Intervention fails to state a claim for relief against
10 the Secretary of State.

11 WHEREFORE, the Secretary of State prays as follows:

12 That the Complaint in Intervention be dismissed with prejudice and
13 Intervenor takes nothing by way of his Complaint in Intervention;

14 That the Court not grant any relief that could introduce uncertainty to
15 California's recall election process.

16 Dated: August 18, 2003

17 Respectfully submitted,

18 BILL LOCKYER, Attorney General
of the State of California
19 LOUIS R. MAURO, Senior Assistant
Attorney General
20 CATHERINE VAN AKEN, Supervising
Deputy Attorney General
21 JONATHAN K. RENNER
Deputy Attorney General

22
23
24 
LESLIE R. LOPEZ
Deputy Attorney General

25
26 **Attorneys for Defendant Kevin Shelley,
Secretary of State of the State of California**