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2003 AUG 21 PM 8:30

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

J.H.

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 FRANK PARTNOY, an individual;
12 LAURA ADAMS, an individual;
13 RACHANA PATHAK, an individual;
14 PETER STRIS, an individual; JASON
15 WILSON, an individual; and
16 CALIFORNIA INFORMED VOTERS
17 GROUP, an unincorporated association,

18 Plaintiffs,

19 vs.

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

Defendants.

SCOTT J. RAFFERTY,

Intervenor.

CASE NO. 03CV1460 BTM (JFS)

JUDGMENT

25 This matter having come before the Court on its *sua sponte* motion for judgment on
26 the pleadings, Intervenor Scott Rafferty's motion for judgment on the pleadings and Plaintiffs'
27 motion to dismiss, IT IS Hereby Ordered and Adjudged as follows:

28 (1)The Plaintiffs' motion to dismiss the complaint in intervention as untimely under

1 Fed. R. Civ. P. 59(e) is DENIED. The motion to dismiss is in all other respects GRANTED.

2 (2) The Court vacates that part of its Memorandum Decision and Order filed on July
3 29, 2003, at page 14 lines 1-10 and page 16 lines 1 to 3.

4 (3) The Court strikes the following language from paragraph 4, line 11, on page 2 of
5 its Final Judgment filed on July 29, 2003: "or any other individual, agency, or entity."

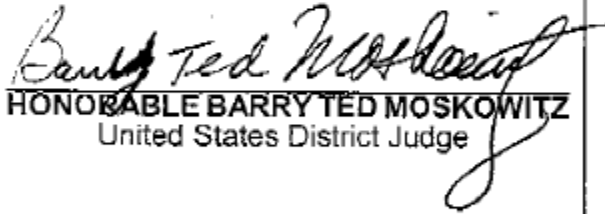
6 (4) The Court's injunction issued as part of the final judgment filed on July 29, 2003
7 shall not be construed to and does not apply to any recall election to which California
8 Elections Code Section 11382 is not applicable. See California Elections Code, Section
9 11000.

10 (5) Except as noted in paragraphs (2), (3), and (4) the complaint in intervention is
11 DISMISSED with prejudice.

12 (6) This judgment is intended to be a final judgment on all claims set forth in the
13 complaint in intervention. If the Court has not addressed any remaining claims, the Court
14 finds that given the exigency of these proceedings and its affect on a state-wide recall
15 election as to the Governor of California, final judgment is entered as to all claims addressed
16 in the Memorandum Decision filed herewith as there is no just reason for delay.

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18 **IT IS SO ORDERED.**

19 Dated: August 21, 2003


HONORABLE BARRY TED MOSKOWITZ
United States District Judge

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21 Copies to:
22 All Parties and Counsel of Record

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