

WHEREFORE, the Petitioners respectfully request that the Court grant their motion for summary judgment and enter the proposed order declaring that the Marriage Initiative of 2009 does not propose an initiative on the subject of appropriations and, therefore, the Board of

Elections and Ethics erred in rejecting the Proponents' Initiative pursuant to D.C. Code § 1-204.101; nor does the Marriage Initiative of 2009 "authorize[], or . . . have the effect of authorizing, discrimination prohibited under" the District of Columbia Human Rights Act, D.C. Code § 1-1001.16(b)(1)(C), and issue a writ of mandamus compelling the Board of Elections and Ethics to accept the Initiative. Petitioners further request such additional and other relief as the Court deems just and proper under the circumstances.

Respectfully submitted this 20th day of November, 2009.

/s/ Cleta Mitchell

Cleta Mitchell
D.C. Bar No. 433386
FOLEY & LARDNER, LLP
3000 K Street, N.W., #500
Washington, DC 20007
Telephone: (202) 295-4081
Facsimile: (202) 672-5399
cmitchell@foley.com

Steven H. Aden
D.C. Bar No. 466777
Austin R. Nimocks*
Timothy J. Tracey*
ALLIANCE DEFENSE FUND
801 G Street, N.W., Suite 509
Washington, D.C. 20001
Telephone: (202) 393-8690
Facsimile: (202) 347-3622
animocks@telladf.org

* Application for admission to D.C. Bar pending

CERTIFICATE OF SERVICE

I certify that the foregoing Petitioners' Motion for Summary Judgment was served by mail on the following parties and their attorneys who are not registered in eFiling for Courts, this 20th day of November, 2009:

Kenneth McGhie, Esq.
General Counsel
District of Columbia Board of Elections and Ethics
441 Fourth Street, N.W., Suite 250 North
Washington, D.C. 20001.

I certify that the foregoing Petitioners' Motion for Summary Judgment was served electronically on the following parties and their attorneys via eFiling for Courts:

Andrew Saindon
Assistant Attorney General
Equity Section I
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
E-mail: andy.saindon@dc.gov

Ellen A. Efros, D.C. Bar No. 250746
Chief, Equity Section I
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
E-mail: ellen.efros@dc.gov

Chad Copeland, D.C. Bar No. 982119
Assistant Attorney General, D.C.
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
E-mail: chad.copeland@dc.gov

This 20th day of November, 2009.

/s/ Cleta Mitchell
Cleta Mitchell
D.C. Bar No. 433386
FOLEY & LARDNER, LLP
3000 K Street, N.W., #500
Washington, DC 20007
Telephone: (202) 295-4081
Facsimile: (202) 672-5399
cmitchell@foley.com