No. 02-1624	
Vide 02-1574	
Title:	Elk Grove Unified School District and David W. Gordon, Superintendent, Petitioners
	V.
	Michael A. Newdow, et al.
Docketed:	May 9, 2003 United States Court of Appendic for the Ninth Circuit
Lower Ct: Case Nos.:	United States Court of Appeals for the Ninth Circuit (00-16423)
Decision Da	
	Denied: February 28, 2003
<b>Questions Pr</b>	resented
~~~Date~~~	~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	Petition for writ of certiorari filed. (Response due June 9, 2003)
-	Appendix of Elk Grove Unified School District and David W. Gordon filed.
-	Brief amicus curiae of United States Senate filed. VIDED.
•	Brief amicus curiae of Bipartisan Legal Advisory Group of US House of Representatives filed.
5	VIDED.
May 30 2003	Brief amicus curiae of American Legion filed. VIDED.
Jun 10 2003	Brief amici curiae of Idaho, et al. filed. VIDED.
Jun 17 2003	Brief amici curiae of Texas Assn. of School Boards Legal Assistance Fund, et al. filed. VIDED.
Jun 18 2003	Brief amicus curiae of Gray Davis, Governor of CA filed. VIDED
Jun 24 2003	Motion for leave to file amici brief filed by Pacific Legal Foundation, et al.
Jun 26 2003	Brief amicus curiae of Americans United for Separation of Church and State filed. VIDED.
Jun 27 2003	Brief of Michael A. Newdow in opposition filed. VIDED.
Jun 27 2003	Brief amici curiae of Dirk Kempthorne, et al. filed. VIDED
Jun 27 2003	Motion for leave to file amicus brief filed by Sandra Banning. VIDED.
Jun 30 2003	Brief amici curiae of Christian Legal Society, et al. filed. VIDED.
Jul 3 2003	Brief amicus curiae of Eagle Forum & Legal Defense Fund filed.
Jul 7 2003	Opposition of Michael Newdow to motion of Sandra Banning filed. VIDED.
Jul 7 2003	Motion for leave to file amicus brief filed by Rutherford Institute.
Jul 25 2003	Reply of petitioners Elk Grove Unified School District and David W. Gordon filed.
Sep 10 2003	DISTRIBUTED for Conference of September 29, 2003.
Sep 17 2003	Letter of Michael A. Newdow received. (Distributed)
Sep 22 2003	Letter of Solicitor General in response to respondent's letter received. (Distributed)
Sep 22 2003	Letter of counsel for Sandra Banning received. (Distributed)
Sep 25 2003	Letter from counsel for amicus curiae Americans United for Separation of Church and State received. (Distributed)
Oct 6 2003	DISTRIBUTED for Conference of October 10, 2003.
Oct 14 2003	Motion for leave to file amici brief filed by Pacific Legal Foundation, et al. GRANTED. Justice Scalia took no part in the consideration or decision of this petition.
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Oct 14 2003	Motion for leave to file amicus brief filed by Rutherford Institute GRANTED. Justice Scalia
	took no part in the consideration or decision of this petition.

- Oct 14 2003 Petition GRANTED limited to the following Questions: 1. Whether respondent has standing to challenge as unconstitutional a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance. 2. Whether a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance, which includes the words "under God," violates the Establishment Clause of the First Amendment, as applicable through the Fourteenth Amendment. The Solicitor General is invited to file a brief in this case on behalf of the United States. Justice Scalia took no part in the consideration or decision of these motions and this petition.
- Oct 28 2003 Motion for representation pro se, or (in the alternative) pro hac vice filed by respondents Michael A. Newdow, et al.
- Nov 6 2003 Extension of time within which to file the joint appendix and petitioners' brief on the merits to and including December 19, 2003.
- Nov 14 2003 Motion for leave to participate in oral argument as amicus curiae and for additional time to present argument filed by Americans United for Separation of Church and State.
- Nov 14 2003 Extension of time within which to file the government's brief on the merits to and including December 19, 2003.
- Nov 19 2003 Brief amici curiae of John Cornyn, Jon Kyl, Lindsey Graham, Larry Craig, Saxby Chambliss, et al. filed.
- Dec 1 2003 Motion for representation pro se, or (in the alternative) pro hac vice GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
- Dec 1 2003 Motion for leave to participate in oral argument as amicus curiae and for additional time to present argument DENIED. Justice Scalia took no part in the consideration or decision of this motion.
- Dec 1 2003 Motion for leave to file amici brief filed by Ron Paul, Ray Haynes, Gilbert Armijo, National Lawyers Association, et al.
- Dec 11 2003 Brief amicus curiae of National Lawyers Association Foundation filed.
- Dec 16 2003 Brief amicus curiae of Pacific Justice Institute filed.
- Dec 17 2003 Brief amicus curiae of United States Senate filed.
- Dec 17 2003 Brief amicus curiae of Rutherford Institute filed.
- Dec 18 2003 Brief amici curiae of Common Good Foundation, et al. filed.
- Dec 18 2003 Brief amici curiae of Grassfire.Net and Hundreds of Thousands of Americans filed.
- Dec 18 2003 Brief amici curiae of Texas, et al. filed.
- Dec 18 2003 Brief amici curiae of Liberty Counsel, and William J. Federer filed.
- Dec 18 2003 Brief amici curiae of Pacific Research Institute and Pacific Legal Foundation filed.
- Dec 18 2003 Brief amici curiae of Catholic League for Religious and Civil Rights and Thomas More Law Center filed.
- Dec 18 2003 Brief amicus curiae of WallBuilders, Inc. filed.
- Dec 19 2003 Brief amicus curiae of Joseph R. Grodin filed.
- Dec 19 2003 Brief amici curiae of George Allen, et al. filed.
- Dec 19 2003 Brief amicus curiae of Bipartisan Legal Advisory Group of the U.S. House of Representatives filed.
- Dec 19 2003 Motion for leave to file amicus brief filed by Sandra Banning.
- Dec 19 2003 Brief amicus curiae of National Jewish Commission on Law and Public Affairs filed.

- Dec 19 2003 Brief amicus curiae of Claremont Institute Center for Constitutional Jurisprudence filed.
- Dec 19 2003 Brief amicus curiae of Knights of Columbus filed.
- Dec 19 2003 Brief amicus curiae of National Education Association filed.
- Dec 19 2003 Brief amici curiae of Focus on the Family, Family Research Council and Alliance Defense Fund filed.
- Dec 19 2003 Brief amicus curiae of American Legion filed.
- Dec 19 2003 Brief amicus curiae of Thurston Greene filed.
- Dec 19 2003 Brief amicus curiae of National School Boards Association filed.
- Dec 19 2003 Joint appendix filed.
- Dec 19 2003 Brief of petitioners Elk Grove Unified School District and David W. Gordon filed.
- Dec 19 2003 Brief of respondent United States in support filed.
- Dec 19 2003 Brief amicus curiae of Center for Individual Freedom filed.
- Dec 19 2003 Brief amicus curiae of Citizens United Foundation filed.
- Dec 19 2003 Brief amici curiae of Dirk Kempthorne, et al. filed.
- Dec 19 2003 Brief amici curiae of Institute in Basic Life Principles, Faith and Action, et al. filed.
- Dec 19 2003 Brief amici curiae of Christian Legal Society, et al. filed.
- Dec 19 2003 Motion for leave to file amicus brief filed by American Jewish Congress.
- Dec 19 2003 Motion for leave to file amicus brief filed by American Civil Rights Union.
- Dec 23 2003 Motion for divided argument filed by respondent the Solicitor General.
- Dec 30 2003 Motion to add parties filed by respondent.
- Jan 6 2004 Respondents' opposition to motion of Sandra L. Banning for leave to file a brief as amicus curiae.
- Jan 6 2004 Letter of respondent proposing a lodging.
- Jan 6 2004 Motion of Institute in Basic Life Principles, Faith and Action, et al. for leave to participate in oral argument as amici curiae and for divided argument filed.
- Jan 7 2004 Extension of time within which to file respondents' brief on the merits to and including February 13, 2004.
- Jan 8 2004 Motion of Pacific Justice Institute for leave to participate in oral argument as amicus curiae and for divided argument filed.
- Jan 12 2004 Motion for leave to file amici brief filed by Ron Paul, Ray Haynes, Gilbert Armijo, National Lawyers Association, et al. GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
- Jan 12 2004 Motion for leave to file amicus brief filed by Sandra Banning GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
- Jan 12 2004 Motion for leave to file amicus brief filed by American Civil Rights Union GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
- Jan 12 2004 Motion for leave to file amicus brief filed by American Jewish Congress GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
- Jan 12 2004 SET FOR ARGUMENT Wednesday, March 24, 2004.
- Jan 13 2004 Application (03A608) to file in excess of page limits, submitted to Justice O'Connor.
- Jan 15 2004 Response of Solicitor General to respondent's motion to add parties.
- Jan 21 2004 CIRCULATED.
- Jan 21 2004 Application (03A608) denied by Justice O'Connor.

Jan 23 2004	Brief amicus curiae of Atheist Law Center filed. (Distributed)
Jan 26 2004	Motion to add parties DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Feb 2 2004	Record received from the U.S.C.A. for the 9th Circuit. (1 envelope)
Feb 9 2004	Record received from the U.S.D.C. for the Eastern District of California. (1 box)
Feb 10 2004	Brief amici curiae of Seattle Atheists, et al. filed. (Distributed)
Feb 11 2004	Brief amicus curiae of Freedom From Religion Foundation, Inc. filed. (Distributed)
Feb 12 2004	Brief amici curiae of American Humanist Association, et al. filed. (Distributed)
Feb 12 2004	Brief amici curiae of Buddhist Temples, et al. filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Chuch of Freethought filed. (Distributed)
Feb 13 2004	Brief amici curiae of Historians and Law Scholars filed. (Distributed)
Feb 13 2004	Brief amici curiae of United Fathers of America, et al. (Distributed).
Feb 13 2004	Brief amicus curiae of Atheists for Human Rights filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Religious Scholars and Theologians filed. (Distributed)
Feb 13 2004	Brief amici curiae of Americans United for Separation of Church and State filed. (Distributed)
Feb 13 2004	Brief amici curiae of Associated Pantheist Groups filed. (Distributed)
Feb 13 2004	Brief amici curiae of Atheists and Other Freethinkers filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Secular Humanism filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Anti-Defamation League filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Rob Sherman Advocacy filed. (Distributed)
Feb 13 2004	Brief amici curiae of Barbara McGraw, et al.filed. (Distributed)
Feb 13 2004	Brief amici curiae of Rev. Dr. Betty Jane Bailey, et al. filed. (Distributed)
Feb 13 2004	Brief amici curiae of Christopher L. Eisgruber and Lawrence G. Sager filed. (Distributed).
Feb 13 2004	Brief of respondent Michael A. Newdow. filed.
Feb 13 2004	Brief amicus curiae of Mister Thorne filed. (Distributed)
Feb 13 2004	Brief amicus curiae of American Atheists filed. (Distributed)
Feb 23 2004	Motion for divided argument filed by respondent GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Feb 23 2004	Motion of Pacific Justice Institute for leave to participate in oral argument as amicus curiae and for divided argument DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Feb 23 2004	Motion of Institute in Basic Life Principles, Faith and Action, et al. for leave to participate in oral argument as amicus curiae and for divided argument DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Mar 3 2004	Motion for reconsideration of the order denying their motion for leave to participate in oral argument as amici curiae and for divided argument filed by Institute in Basic Life Principles, Faith and Action, et al.
Mar 4 2004	Letter and errata attachment received from respondent and distributed.
Mar 15 2004	Reply of respondent United States filed. (Distributed)
Mar 16 2004	Reply of petitioners Elk Grove Unified School District and David W. Gordon filed. (Distributed)
Mar 19 2004	Motion for reconsideration of the order denying their motion for leave to participate in oral argument as amici curiae and for divided argument. DENIED. Justice Scalia took no part in

the consideration or decision of this motion.

- Mar 24 2004 Argued. For petitioners: Terence J. Cassidy, Sacramento, Cal. For respondent United States, in support of petitioners: Theodore B. Olson, Solicitor General, Department of Justice, Washington, D.C. For respondent: Michael A. Newdow, Sacramento, Cal. (Arguing pro-se.)
- Jun 14 2004 Judgment REVERSED. Stevens, J., delivered the opinion of the Court, in which Kennedy, Souter, Ginsburg, and Breyer, JJ., joined. Rehnquist, C. J., filed an opinion concurring in the judgment, in which O'Connor, J., joined, and in which Thomas, J., joined as to Part I. O'Connor, J., and Thomas, J., filed opinions concurring in the judgment. Scalia, J., took no part in the consideration or decision of the case.
- Jul 6 2004 Petition for Rehearing filed.
- Jul 30 2004 DISTRIBUTED.
- Aug 23 2004 Rehearing DENIED. Justice Scalia took no part in the consideration or decision of this petition.
- Aug 23 2004 JUDGMENT ISSUED.
- Sep 9 2004 Acknowledgement of receipt (08/27/04) of judgment from Clerk, United States Court of Appeals for the Ninth Circuit received.
- Sep 14 2004 Record returned to U.S.C.A. 9th Circuit.
- Sep 14 2004 Record returned to U.S.D.C. Eastern District of California.

~~Name~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~Address~~~~~~~~~~~~~~~~~	~~Phone~~~
Attorneys for Petitioner:		
Terence John Cassidy	Porter, Scott, Weiberg & Delehant	(916) 929-1481
	350 University Avenue	
	Suite 200	
	Sacramento, CA 95825	
Party name: Elk Grove Unified School	District and David W. Gordon	
Attorneys for Respondent:		
Michael A. Newdow	P. O. Box 233345	(916) 427-6669
	Sacramento, CA 95823	
Party name: Michael A. Newdow, et al	l.	
Theodore B. Olson	Solicitor General	(202) 514-2217
	United States Department of Justice	
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	Room 5614	
	Washington, DC 20530-0001	
Party name: United States		

Other:			
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	642 Hart Senate Office Bldg. Washington, DC 20510		
Party name: United States Senate			
Lawrence G. Wasden	Office of the Attorney General 700 W. Jefferson St.	(208) 334-2400	
	Boise, ID 83720-0010		
Party name: Idaho, et al.			
Geraldine R. Gennet	General Counsel	(202) 225-9700	
	US House of Representatives		
	219 Cannon House Office Bldg. Washington, DC 20515		
Party name: Elk Grove Unified Schoo	ol District and David W. Gordon v. Michael A. Newdov	W	
Eric L. Hirschhorn	Winston & Strawn, LLP	(202) 371-5700	
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Party name: American Legion	Washington, DC 20005		
Lisa A. Brown	711 Louisiana, Suite 2900	(713)	
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Party name: Texas Assn. of School B	oards Legal Assistance Fund, et al.		
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Party name: Gray Davis, Governor of CA			

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		(202)
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Party name: Sandra Banning	Washington, DC 20005	
Farty name. Sanuta Daming		
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Party name: Pasific Lagal Foundatio	Sacramento, CA 95834	
Party name: Pacific Legal Foundation	ii, et al.	
Gregory S. Baylor	Center for Law & Religious Freedom	(703) 642-1070
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Darty names Christian Legal Conisty	Annandale, VA 22003	
Party name: Christian Legal Society,	et al.	
L. Michael Bogert	Counsel to Governor	(208) 334-2100
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	P.O. Box 83720	
	Boise, DC 83720	
Party name: Dirk Kempthorne, et al.		
Phyllis Schafly	Eagle Forum Education & Legal Defense Fund	(314) 721-1213
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	St. Louis, MO 63105	

Party name: Eagle Forum & Legal Defense Fund

Steven H. Aden	1440 Sachem Place	(434) 978-3888
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Party name: Rutherford Institute		
John Cornyn	Subcommittee on the Constitution, Civil Rights and	(202)
	United States Senate	224-7840
	Dirksen Senate Office	
	Building Room 139	
	Washington, DC 20510	
Party name: John Cornyn, Jon Kyl, L	indsey Graham, Larry Craig, Saxby Chambliss, et al.	
		(816)
Dennis Owens	7th Floor, Harzfeld's Building	474-3000
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	Kansas City, MO 64105	
Party name: National Lawyers Assoc	iation Foundation	
Michael C. Worsham	1916 Cosner Road	(410)
Witchaef C. Worsham	1910 Cosher Road	557-6192
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Party name: Associated Pantheist Gro	oups	
Richard D. Ackerman	Lively Ackerman & Cody	(909)
Richard D. Nekerman		308-6454
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Party name: Don Paul Pay Haynes	Temecula, CA 92590 Gilbert Armijo, National Lawyers Association, et al.	
i arty name. Ron i aut, Ray Haylles, C	Shoert Arinijo, ivalional Lawyers Association, et al.	
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Party name: Pacific Justice Institute

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Party name: Common Good Foundat	Virginia Beach, VA 23452 tion, et al.	
John G. Stepanovich	Lentz, Stepanovich & Fournier, P.L.C.	(757) 498-7035
	448 Viking Drive	
	Suite 370 Virginia Boach, VA, 23452	
Party name: Grassfire.Net and Hund	Virginia Beach, VA 23452 reds of Thousands of Americans	
-		
Neal Katyal	600 New Jersey Ave., N.W.	(202)
Titur Katyai	Washington, DC 20001	662-9000
Party name: Joseph R. Grodin	Washington, DC 20001	
		(202)
Jay Alan Sekulow	American Center for Law & Justice	546-8890
	201 Maryland Ave., N.E. Washington DC 20002 5702	
Party name: George Allen, et al.	Washington, DC 20002-5703	
John W. Whitehead	Rutherford Institute	(434)
John W. Whitehead		978-3888
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Party name: Rutherford Institute		
John C. Eastman	The Claremont Institute Center for Constitutional	(714)
John C. Eastman	Jurisprudence	628-2587
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	Orange, CA 92866	

## Party name: Claremont Institute Center for Constitutional Jurisprudence

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Party name: Focus on the Family, Fai	mily Research Council and Alliance Defense Fund	
Thurston Greene	37 Crescent Road Millbrook, NY 12545	(845) 677-8545
Party name: Thurston Greene		
R. Ted Cruz Party name: Texas, et al.	Solicitor General Office of the Attorney General 300 West 15th Street, 10th Floor Austin, TX 78701	(512) 936-1824
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Party name: National Jewish Commission on Law and Public Affairs

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Party name: Center for Individual Free	edom	
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Party name: Liberty Counsel, et al.		
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Party name: Citizens United Foundation		
Bernard P. Reese Jr.	Reese and Reese	(815)
		968-8851
	979 North Main Street	
Party name: Institute in Basic Life Prin	Rockford, IL 61103	
Tarty hand. Institute in Basic Life Th		
Edward L. White III.	Thomas More Law Center	(734) 827-2001
	24 Frank Lloyd Wright Dr.	027 2001
	P.O. Box 393	
	Ann Arbor, MI 48106	
Party name: Catholic League for Relig	gious and Civil Rights and Thomas More Law Center	

Barry C. Hodge	National Legal Foundation	(757) 463-6133
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	Suite 204 Virginia Beach, VA 23454	
Party name: WallBuilders, Inc.	Virginia Deach, VII 23434	
Marc D. Stern	American Jewish Congress	(212) 360-1545
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Porty name: American Jawish Congr	New York, NY 10028	
Party name: American Jewish Congr	ess	
John C. Armor	"KettleRock"	(828) 526-3149
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	Highlands, NC 28741	
Party name: American Civil Rights U	JIION	
Pamela L. Sumners	528 N. Humphrey Ave.	(708) 763-9827
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Party name: Atheist Law Center		
Keith Alan	Law Office of Keith Alan	(714)
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	Buena Park, CA 90621	
Party name: Chuch of Freethought		
Gary D. Borek	373 Darwin Drive	(716)
-	Amherst, NY 14226	839-4321
Party name: Seattle Atheists, et al.	,	

Steven K. Green Party name: Historians and Law Scho	Williamette University College of Law 245 Winter Street SE Salem, OR 97301 Jars	(503) 370-6405
Jerold M. Gorski Party name: United Fathers of Americ	Law Offices of Jerold M. Gorski 821 South Webster Avenue Suite 1 Anaheim, CA 92804-4134 ca, et al. and Atheists for Human Rights	(714) 928-2840
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Peter Irons Party name: Religious Scholars and T	Director Earl Warren Blill of Rights Project 9500 Gilman Drive San Diego, CA 92093-5521 Theologians	(858) 534-3664
Robert Reitano Tiernan Party name: Freedom From Religion	3120 S. Xenia Street Denver, CO 80231 Foundation, Inc.	33036712490
Kenneth R. Pierce Party name: Buddhist Temples, et al.	Cadwalader Wickersham & Taft 100 Maiden Lane New York, NY 10038	(212) 504-6000

Dean Robert Johansson Party name: Atheists and Other Freet	1001 G Street ST 100 Sacramento, CA 95814 hinkers	(916) 444-0546
Edward Tabash Party name: Secular Humanism	Law Office of Edward Tabash 8484 Wilshire Boulevard #850 Beverly Hills, CA 90211	(323) 655-7506
Martin E. Karlinsky Party name: Anti-Defamation League	Katten Muchin Zavis Rosenbaum 575 Madison Avenue New York, NY 10022	(212) 940-8800
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Douglas Laycock Party name: Rev. Dr. Betty Jane Bail	727 E. Dean Keeton St. Austin, TX 78705 ey, et al.	(512) 232-1341

Lawrence Sager	727 E Dean Keeton St.	(512) 232-1341
Party name: Christopher L. Eisgruber	Austin, TX 78705 and Lawrence G. Sager	
Ronald K. Losch	Losch & Erlich	(415) 956-8400
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Party name: Mister Thorne	San Francisco, CA 94111	
Paul Sanford	6113 Jason Court	(831) 588-0528
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Party name: American Atheists		