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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *M. Marnes*

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 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;
 LAURA ADAMS, an individual,
 15 RACHANA PATHAK, an individual,
 PETER STRIS, an individual, JASON
 16 WILSON, an individual; and
 CALIFORNIA INFORMED VOTERS
 17 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
 capacity as the Registrar-Recorder/County
 24 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
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Secretary of State of the State of California**