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 11 CITY AND COUNTY OF SAN FRANCISCO

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 KRISTIN M. PERRY, SANDRA B. STIER,
 16 PAUL T. KATAMI, and JEFFREY J.
 ZARRILLO,

17 Plaintiffs,

18 vs.

19 ARNOLD SCHWARZENEGGER, in his official
 20 capacity as Governor of California; EDMUND G.
 BROWN JR., in his official capacity as Attorney
 21 General of California; MARK B. HORTON, in
 his official capacity as Director of the California
 22 Department of Public Health and State Registrar
 of Vital Statistics; LINETTE SCOTT, in her
 23 official capacity as Deputy Director of Health
 Information & Strategic Planning for the
 24 California Department of Public Health;
 PATRICK O'CONNELL, in his official capacity
 25 as Clerk-Recorder for the County of Alameda;
 and DEAN C. LOGAN, in his official capacity as
 26 Registrar-Recorder/County Clerk for the County
 of Los Angeles,

27 Defendants,
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Case No. 09-CV-2292 VRW

**DECLARATION OF THERESE M.
 STEWART RE CITY AND COUNTY OF
 SAN FRANCISCO'S OPPOSITION TO
 DEFENDANT-INTERVENORS' MOTION
 FOR ADMINISTRATIVE LEAVE TO
 EXCEED PAGE LIMITATIONS**

Trial Date: Jan. 11, 2009

and

PROPOSITION 8 OFFICIAL PROPONENTS
DENNIS HOLLINGSWORTH, GAIL J.
KNIGHT, MARTIN F. GUTIERREZ, HAK-
SHING WILLIAM TAM, and MARK A.
JANSSON; and PROTECTMARRIAGE.COM –
YES ON 8, A PROJECT OF CALIFORNIA
RENEWAL,

Defendant-Intervenors.

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff-Intervenor

vs.

ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND G.
BROWN JR., in his official capacity as Attorney
General of California; MARK B. HORTON, in
his official capacity as Director of the California
Department of Public Health and State Registrar
of Vital Statistics; and LINETTE SCOTT, in her
official capacity as Deputy Director of Health
Information & Strategic Planning for the
California Department of Public Health,

Defendants.

1. I am an attorney licensed to practice law in the State of California and a member of the bar of this Court. I am the Chief Deputy City Attorney for the City and County of San Francisco, and the City Attorney's Office is counsel of record for Plaintiff-Intervenor City and County of San Francisco in this case. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify hereto.

2. On the morning of September 9, 2009, I received an e-mail from Nicole Moss of Cooper & Kirk LLC, counsel of record for Defendant-Intervenors Yes On 8 and official proponents of Proposition 8. The e-mail stated that Defendant-Intervenors intended to seek leave from the Court to file a brief in excess of the Court's 25-page limit for memoranda of points and authorities and indicated the brief they intended to file was 100 pages in length. The e-mail requested a return e-mail response to the request. Later that day, I received a voicemail message from Ms. Moss which also

1 asked whether we would agree to extend the time for filing the brief. It was unclear to me whether she
2 wanted more time to file the 100-page brief or to reduce the size of the brief and file one that was
3 within or closer to the Court's page limit.

4 3. After receiving her voicemail message, I called Ms. Moss and told her that the City
5 would not be willing to stipulate to the filing of a 100-page brief, but would be willing to stipulate to a
6 much more modest expansion of the page limit, such as a 10-page extension to file a brief of 35-pages.
7 I told her that if the Court permitted her to file the 100 page brief, we would not claim the brief had not
8 been timely filed because they did not ask permission to file it ahead of the due date for the motion. I
9 also told her that the City would agree to a short extension of time for them to reduce the size of the
10 brief and file it anew. Ms. Moss did not express interest in a stipulation on either point, and we did not
11 continue the conversation further.

12 I declare under penalty of perjury under the laws of the State of California that this declaration
13 is true and correct and that if called as a witness I could competently testify thereto. Executed this
14 tenth day of September 2009 in San Francisco, California.

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16 By: _____ /s/
THERESE M. STEWART

17 Attorneys for Plaintiff-Intervenor
18 CITY AND COUNTY OF SAN FRANCISCO
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1 Pursuant to General Order 45, § X(B), I hereby attest that the concurrence in the filing of
2 this document has been obtained from single signatory, Therese M. Stewart.

3
4 Dated: September 10, 2009

5 By: _____ /s/
6 RONALD P. FLYNN

7 Attorneys for Plaintiff-Intervenor
8 CITY AND COUNTY OF SAN FRANCISCO
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