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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,
PAUL T. KATAMI, and JEFFREY J.
18 ZARRILLO,

19 Plaintiffs,

20 v.

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

28 Defendants.

CASE NO. 09-CV-2292 VRW

**PLAINTIFFS' AND PLAINTIFF-
INTERVENOR'S STATEMENT OF
RECENT ORDER IN SUPPORT OF
JOINT OPPOSITION TO DEFENDANT-
INTERVENORS' MOTION FOR A STAY
PENDING APPEAL AND/OR PETITION
FOR WRIT OF MANDAMUS**

1 Pursuant to Civil Local Rule 7-3(d), Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T.
2 Katami, and Jeffrey J. Zarrillo (“Plaintiffs”), and Plaintiff-Intervenor City and County of
3 San Francisco (“Plaintiff-Intervenor”) respectfully submit this Statement of Recent Order in support
4 of their Joint Opposition to Defendant-Intevenors’ Motion for a Stay Pending Appeal and/or Petition
5 for Writ of Mandamus (Doc #225) and hereby bring to the Court’s attention the following new
6 Ninth Circuit order:

7 1) *Kristin Perry, et al v. Dennis Hollingsworth, et al*, No. 09-17241, (9th Cir. Oct. 20, 2009),
8 a true and correct copy of which is attached hereto as Exhibit A.

9 Respectfully submitted,

10 Dated: October 21, 2009

11 GIBSON, DUNN & CRUTCHER LLP

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13 By: _____ /s/ _____

14 Theodore B. Olson

15 and

16 BOIES, SCHILLER & FLEXNER LLP

17 David Boies

18 Attorneys for Plaintiffs KRISTIN M. PERRY,
19 SANDRA B. STIER, PAUL T. KATAMI, and
20 JEFFREY J. ZARRILLO