

# Cooper & Kirk

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November 17, 2009

The Honorable Vaughn R. Walker  
Chief Judge of the United States District Court  
for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Perry v. Schwarzenegger, No. C 09-2292 VRW (N.D. Cal.)

Dear Chief Judge Walker:

I write in response to Mr. Dettmer's letter to the Court of yesterday to correct the notion that Defendant-Intervenors ("the Proponents") are opposed to expeditious treatment of our appeals and motion for a stay filed with the Ninth Circuit this past Friday. Indeed, in order to minimize any delay caused by the appeals, Proponents in their stay motion explicitly "ask[ed] that the Court expedite these appeals." See Doc. # 7129821 at 25, Case No. 09-17241 (filed Nov. 13, 2009).

The Proponents are following an orderly and proper course for seeking expedited review of this Court's orders with regard to discovery. Should the Court nevertheless be inclined to grant Plaintiffs' request for an order directing Proponents to produce by a date certain, Proponents respectfully submit that the Plaintiffs' specific request – for a production deadline three days from the date of the order – is plainly unreasonable. Quite apart from the need for a reasonable, albeit expedited, time for briefing and consideration of Proponents' pending stay application to the Ninth Circuit, as a practical matter, Proponents will need more than three days to complete the process of reviewing and sorting documents, especially in light of the additional guidance and clarification provided in the Court's November 11 Order (a process which is already underway).

Respectfully submitted,

/s/ Nicole J. Moss

Nicole J. Moss  
Counsel for Defendant-Intervenors

Enclosure

cc: All counsel via the Court's ECF system