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

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

17 KRISTIN M. PERRY, SANDRA B. STIER,  
18 PAUL T. KATAMI, and JEFFREY J.  
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  
State Registrar of Vital Statistics; LINETTE  
24 SCOTT, in her official capacity as Deputy  
Director of Health Information & Strategic  
25 Planning for the California Department of Public  
Health; PATRICK O'CONNELL, in his official  
26 capacity as Clerk-Recorder for the County of  
Alameda; and DEAN C. LOGAN, in his official  
27 capacity as Registrar-Recorder/County Clerk for  
the County of Los Angeles,

28 Defendants.

CASE NO. 09-CV-2292 VRW

**JOINT STIPULATION [AND PROPOSED  
ORDER] TO EXTEND TIME REGARDING  
PRETRIAL FILINGS**

1 Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo  
2 (“Plaintiffs”), Plaintiff-Intervenor City and County of San Francisco (“Plaintiff-Intervenor”),  
3 Defendant-Intervenors Proposition 8 Official Proponents Dennis Hollingsworth, Gail J. Knight,  
4 Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson; and ProtectMarriage.com –  
5 Yes on 8, A Project of California Renewal (“Defendant-Intervenors”), and Defendants Arnold  
6 Schwarzenegger, Edmund G. Brown Jr., Mark B. Horton, Linette Scott, Patrick O’Connell, and Dean  
7 C. Logan (“Defendants”) (collectively the “Parties”), through their respective counsel of record,  
8 hereby stipulate to the following regarding the dates for filing of documents directed by the Court’s  
9 August 24, 2009 Pretrial Scheduling Order (Doc #164):

10 WHEREAS the Court entered a Pretrial Scheduling Order directing the parties to file trial  
11 memoranda, proposed findings of fact, witness lists, designations of discovery excerpts, motions *in*  
12 *limine*, and objections to anticipated evidence and testimony, and exchange exhibits “not less than ten  
13 days before the pretrial conference” scheduled for December 16, 2009, at 10:00 a.m.;

14 WHEREAS the Pretrial Scheduling Order states that the parties shall file and serve their  
15 responses to objections to evidence and responses to motions *in limine* “five days before the pretrial  
16 conference”;

17 WHEREAS certain relevant discovery will not occur until November 30, 2009, or shortly  
18 before November 30, 2009, due to the parties’ ongoing discovery disputes and difficulty scheduling  
19 all depositions prior to November 30, 2009;

20 WHEREAS the parties wish to ensure that their pretrial filings are as complete and reflect as  
21 much discovery as possible; and

22 WHEREAS the Federal Rules of Civil Procedure and the Northern District of California Civil  
23 Local Rules that go into effect on December 1, 2009 will compute time based on calendar days  
24 instead of court days, such that a filing deadline of not less than “five days before the [December 16]  
25 pretrial conference” would be calculated to be December 11, 2009, not December 9, 2009, which  
26 would be the deadline under the former Federal and Local Rules;

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1            THEREFORE, pursuant to Federal Rule of Civil Procedure 6(b) and Northern District of  
2 California Civil Local Rules 6-1(b), 6-2(a), 7-12, and 16-2(e), it is hereby STIPULATED AND  
3 AGREED, by and between the undersigned, attorneys of record for parties in the above-captioned  
4 action, as follows:

5            1.        The parties will file trial memoranda, proposed findings of fact, witness lists,  
6 designations of discovery excerpts, motions *in limine*, and objections to anticipated evidence and  
7 testimony, and serve exhibits by December 7, 2009 pursuant to the Court's Pretrial Scheduling Order;

8            2.        The parties will file and serve any responses to objections to evidence and/or  
9 responses to motions *in limine* on December 11, 2009 pursuant to the Court's Pretrial Scheduling  
10 Order and applying the December 1, 2009 modifications to the relevant Rules;

11           3.        The parties reserve the right to supplement their pretrial filings to reflect discovery  
12 that occurs after the date of the pretrial filings, including depositions currently scheduled to occur  
13 after November 30, 2009;

14           4.        This Stipulation may be signed in counterparts and facsimile signatures are deemed  
15 originals for all purposes.

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1 DATED: November 30, 2009

GIBSON, DUNN & CRUTCHER LLP

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3  
4 By: \_\_\_\_\_ /s/  
Christopher D. Dusseault

5 and

6 BOIES, SCHILLER & FLEXNER LLP

7 David Boies

8 Attorneys for Plaintiffs KRISTIN M. PERRY,  
9 SANDRA B. STIER, PAUL T. KATAMI, and  
JEFFREY J. ZARRILLO

10 DATED: November 30, 2009

OFFICE OF THE CITY ATTORNEY

11  
12  
13 By: \_\_\_\_\_ /s/  
Ronald Flynn

14 Attorneys for Plaintiff-Intervenor  
15 CITY AND COUNTY OF SAN FRANCISCO

16 DATED: November 30, 2009

COOPER AND KIRK, PLLC

17  
18 By: \_\_\_\_\_ /s/  
Nicole J. Moss

19 Attorneys for Defendant-Intervenors  
20 PROPOSITION 8 OFFICIAL PROPONENTS; and  
21 PROTECTMARRIAGE.COM – YES ON 8, A  
PROJECT OF CALIFORNIA RENEWAL

22 DATED: November 30, 2009

OFFICE OF THE ATTORNEY GENERAL

23  
24  
25 By: \_\_\_\_\_ /s/  
Tamar Pachter

26 Attorneys for Defendant  
27 ATTORNEY GENERAL EDMUND G. BROWN JR.  
28

1 DATED: November 30, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

2  
3 By: \_\_\_\_\_ /s/  
Andrew W. Stroud

4  
5 Attorneys for Defendants ARNOLD  
SCHWARZENEGGER, MARK B. HORTON, and  
6 LINETTE SCOTT (the "Administration Defendants")

7 DATED: November 30, 2009

THE OFFICE OF THE COUNTY COUNSEL

8  
9 By: \_\_\_\_\_ /s/  
Manuel F. Martinez, Associate County Counsel

10  
11 Attorneys for Defendant PATRICK O'CONNELL,  
Clerk-Recorder for the County of Alameda

12 DATED: November 30, 2009

THE OFFICE OF COUNTY COUNSEL

13  
14  
15 By: \_\_\_\_\_ /s/  
Judy Whitehurst

16  
17 Attorneys for Defendant DEAN C. LOGAN,  
Recorder/County Clerk for the County of Los Angeles

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21  
22 Dated: \_\_\_\_\_

23 \_\_\_\_\_  
HON. VAUGHN R. WALKER  
United States District Chief Judge

**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: \_\_\_\_\_ /s/  
Sarah E. Piepmeier

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