

1 GIBSON, DUNN & CRUTCHER LLP  
 Theodore B. Olson, SBN 38137  
 2 *tolson@gibsondunn.com*  
 Matthew D. McGill, *pro hac vice*  
 3 Amir C. Tayrani, SBN 229609  
 1050 Connecticut Avenue, N.W., Washington, D.C. 20036  
 4 Telephone: (202) 955-8668, Facsimile: (202) 467-0539

5 Theodore J. Boutrous, Jr., SBN 132009  
*tboutrous@gibsondunn.com*  
 6 Christopher D. Dusseault, SBN 177557  
 Ethan D. Dettmer, SBN 196046  
 7 Sarah E. Piepmeier, SBN 227094  
 Theane Evangelis Kapur, SBN 243570  
 8 Enrique A. Monagas, SBN 239087  
 333 S. Grand Avenue, Los Angeles, California 90071  
 9 Telephone: (213) 229-7804, Facsimile: (213) 229-7520

10 BOIES, SCHILLER & FLEXNER LLP  
 David Boies, *pro hac vice*  
 11 *dboies@bsflp.com*  
 333 Main Street, Armonk, New York 10504  
 12 Telephone: (914) 749-8200, Facsimile: (914) 749-8300

13 Jeremy M. Goldman, SBN 218888  
*jgoldman@bsflp.com*  
 14 Theodore H. Uno, SBN 248603  
 1999 Harrison Street, Suite 900, Oakland, California 94612  
 15 Telephone: (510) 874-1000, Facsimile: (510) 874-1460

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

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, *et al.*,  
 21 Plaintiffs,  
 and  
 22 CITY AND COUNTY OF SAN FRANCISCO,  
 23 Plaintiff-Intervenor,  
 v.  
 24 ARNOLD SCHWARZENEGGER, *et al.*,  
 25 Defendants,  
 and  
 26 PROPOSITION 8 OFFICIAL PROPONENTS  
 27 DENNIS HOLLINGSWORTH, *et al.*,  
 28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**DECLARATION OF REBECCA JUSTICE LAZARUS IN SUPPORT OF PLAINTIFFS' MOTION TO SHORTEN TIME FOR PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL DOCUMENTS PURSUANT TO CIVIL LOCAL RULE 6-3 AND PLAINTIFFS' MOTION FOR LEAVE TO REOPEN DEPOSITION OF RONALD PRENTICE.**

Trial Date: January 11, 2010  
 Judge: Chief Judge Walker  
 Location: Courtroom 6, 17th Floor

1 I, Rebecca Justice Lazarus, declare as follows:

2 1. I, Rebecca Justice Lazarus, am an attorney at law, duly licensed to practice before all  
3 courts of the State of California and before the United States District Court for the Northern District  
4 of California. I am an associate with Gibson, Dunn & Crutcher LLP, counsel of record for Plaintiffs  
5 in the above-captioned matters. I have personal knowledge of the facts stated herein and could and  
6 would testify competently thereto if called upon to do so.

7  
8 2. Pursuant to Northern District of California Civil Local Rules (“Civil Local Rules”) 7-  
9 11 and 79-5(d), and the Protective Order entered in this action on January 7, 2010, *see* Doc #361,  
10 Plaintiffs have concurrently filed a motion for administrative relief to file certain documents, or  
11 portions thereof, under seal (“Administrative Motion”). This Motion is brought on the grounds that  
12 some of the documents in question have been designated “Highly Confidential” by Proponents.

13  
14 3. Plaintiffs have concurrently submitted the Administrative Motion because they wish  
15 this Court to consider these documents in connection with the pending Motion to Reopen the  
16 Deposition of Ronald Prentice in his Personal Capacity and as the Rule 30(b)(6) Representative of  
17 ProtectMarriage.com. Plaintiffs received the documents on or after January 10, 2010, following this  
18 Court’s January 8, 2010, order compelling production on a rolling basis. Doc #372 at 5.

19  
20 4. Plaintiffs notified Proponents of their intention to seek relief in form of a motion to  
21 shorten time for Plaintiffs’ Administrative Motion and Plaintiffs’ Motion to Seal Documents and  
22 Motion for Leave to Reopen the Deposition of Ronald Prentice in his Personal Capacity and as the  
23 Rule 30(b)(6) Representative for ProtectMarriage.com. Attached hereto as Exhibit A is a true and  
24 correct copy of this notification.

25  
26 5. Plaintiffs believe that it would be in all parties’ interest to resolve this matter as soon  
27 as possible given the ongoing trial and Plaintiffs’ desire to use the document at trial and have filed the  
28 Motion to Shorten Time for that reason.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th  
2 day of January, 2010.

3 By: \_\_\_\_\_ /s/  
4 Rebecca Justice Lazarus

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

**Malzahn, Scott**

---

**From:** Malzahn, Scott  
**Sent:** Tuesday, January 19, 2010 8:11 AM  
**To:** 'David Thompson'; 'Nicole Moss'  
**Cc:** Boutrous Jr., Theodore J.; Dettmer, Ethan D.; Justice Lazarus, Rebecca; Monagas, Enrique A.  
**Subject:** Administrative Motion for a sealing order and Motion to Shorten Time

Dear Nicole and David,

Pursuant to paragraph 10 of the Protective Order entered by the Court and Local Rule 79-5, I am writing to inform you that Plaintiffs will file with the court tomorrow an administrative motion for a sealing order. For your convenience, I have attached the draft motion and supporting documents, as well as the documents we will lodge with the court in connection with that motion. The motion reflects that the documents lodged in connection with the administrative motion are documents produced by Proponents and designated "Highly Confidential" under the Protective Order.

We reserve the right to use these newly produced documents in upcoming direct and cross examinations.

Give the need for the court to promptly consider this motion in connection with the ongoing trial, we also intend to file a motion to shorten the time within which the administrative motion will be heard pursuant to Local Rule 6-3. That motion and draft supporting documents are also attached. Please let me know as soon as possible if you oppose this motion.

Best regards,

Scott Malzahn



Proposed Order Re  
Motion to Re...



Proposed Order re  
Motion to Se...



Proposed Order re  
Motion to Sh...



RJL Dec ISO Motion  
to Seal.pdf...



RJL Dec ISO Motion  
to Shorten ...



HC RJL Dec and  
Exhibits ISO Mo...



Motion to Reopen  
Depo.pdf



Motion to Seal.pdf



Motion to Shorten  
Time.pdf

**Scott M. Malzahn**

Gibson, Dunn & Crutcher LLP  
333 S. Grand Ave. #5300  
Los Angeles, CA 90071  
(213) 229-7898 (direct)  
(213) 229-6898 (direct fax)  
[smalzahn@gibsondunn.com](mailto:smalzahn@gibsondunn.com)