

1 DIANA E. RICHMOND (State Bar No. 58122)
E-Mail: *drichmond@sideman.com*
2 LOUIS P. FEUCHTBAUM (State Bar No. 219826)
E-Mail: *lfeuchtbaum@sideman.com*
3 SIDEMAN & BANCROFT LLP
One Embarcadero Center, Eighth Floor
4 San Francisco, California 94111-3629
Telephone: (415) 392-1960
5 Facsimile: (415) 392-0827

6 Attorneys for Amicus Curiae Justice Donald B. King,
California Court of Appeal, Retired
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

LAW OFFICES
SIDEMAN & BANCROFT LLP
ONE EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3629

11 KRISTIN M. PERRY, et al.,
12 Plaintiffs,
13 and
14 CITY AND COUNTY OF SAN FRANCISCO,
15 Plaintiff-Intervenor,
16 v.
17 ARNOLD SCHWARZENEGGER, et al.,
18 Defendants,
19 and
20 PROPOSITION 8 OFFICIAL PROPONENTS
DENNIS HOLLINGSWORTH, et al.,
21 Defendant-Intervenors.
22

CASE NO. 09-CV-2292 VRW

**MOTION BY JUSTICE DONALD B. KING,
RETIRED, FOR LEAVE TO FILE A BRIEF
AS AMICUS CURIAE ON BEHALF OF
PLAINTIFFS**

Crtrm.: 6

Judge: The Hon. Vaughn R. Walker

24 The Honorable DONALD B. KING, a retired justice of the California Court of Appeal,
25 hereby moves for leave to file a brief as amicus curiae in support of the Plaintiffs in the above-
26 captioned matter.

27 This Court has broad discretion to a permit third party to participate in an action as *amicus*
28 *curiae*. See, e.g., *Gerritson v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir. 1987).

LAW OFFICES
SIDEMAN & BANCROFT LLP
ONE EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

1 “District courts frequently welcome amicus briefs from non-parties concerning legal issues that
2 have potential ramifications beyond the parties directly involved, or if the amicus has unique
3 information or perspective that can help the court beyond the help that the lawyers for the parties
4 are able to provide.” *Sonoma Falls Devs., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d
5 919,925 (N.D. Cal. 2003.)

6 Justice King has worked indefatigably for more than three decades to improve the practice
7 of family law in California. Appointed to the Superior Court in 1976, he initiated the practice of
8 mediation to aid families in resolving child custody disputes and he helped to promulgate uniform
9 rules regarding family law matters for the San Francisco Bay Area county courts. Justice King
10 served on the California Court of Appeal for 13 years, where he authored more published opinions
11 in family law cases than any appellate justice in California's history. Since retirement in 1996,
12 Justice King has been associated with the American Arbitration Association, providing services
13 for private dispute resolution in family law cases.

14 Justice King co-authored the pre-eminent family law treatise in California, the California
15 Practice Guide - Family Law (The Rutter Group) and he has taught family law at several Bay Area
16 law schools. Justice King has received numerous awards, including the California State Bar
17 Judicial Officer of the Year, which was renamed by the State Bar in his honor, and the National
18 Public Service Award of the American Academy of Matrimonial Lawyers.

19 Justice King seeks to appear as amicus on behalf of plaintiffs in this action as part of his
20 lifelong work in support of the institution of marriage, which he believes should not be denied to
21 one class of people on the basis of sexual orientation. His amicus brief will address various
22 aspects of the traditional role of the courts that are affected by Proposition 8, and it will focus
23 upon how same-sex marriage is necessary to provide equality for families under California family
24 law.

25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Justice King respectfully requests leave to file an amicus brief in support of Plaintiffs.

That brief has been filed concurrent with this motion.

DATED: February 3, 2010

SIDEMAN & BANCROFT LLP

By: /s/ Diana E. Richmond
DIANA E. RICHMOND
LOUIS P. FEUCHTBAUM
Attorneys for Amicus Curiae Justice Donald B. King,
California Court of Appeal, Retired

8172\920816v1

LAW OFFICES
SIDEMAN & BANCROFT LLP
ONE EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111