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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

**PLAINTIFFS' OPPOSITION TO
PROPOSED INTERVENORS'
MOTION TO SHORTEN TIME**

Date: September 3, 2009
Time: 10:00 a.m.
Judge: Chief Judge Walker
Location: Courtroom 6, 17th Floor

1 On July 8, 2009, proposed intervenors Our Family Coalition, Lavender Seniors of the East
2 Bay, and Parents, Families, and Friends of Lesbians and Gays (collectively “Proposed Intervenors”),
3 filed a motion to intervene as party plaintiffs, together with a motion to shorten the time in which the
4 motion to intervene is heard. In the motion to shorten time, Proposed Intervenors urge the Court to
5 require the parties to respond to their motion by July 14, 2009, and to hold a hearing on their motion
6 to intervene on July 17, 2009. Plaintiffs oppose the motion to shorten time and offer the following
7 alternative in the interests of efficiency and judicial economy.¹

8 In addition to the instant motion, Plaintiffs received on June 27, 2009, the motion of
9 Campaign for California Families to intervene as a defendant (though it does not appear on the
10 Court’s electronic docket). Moreover, on July 9, 2009, the City and County of San Francisco notified
11 counsel for Plaintiffs that it may also file a motion to intervene as a plaintiff in this litigation in the
12 coming days. It is likely that there exist numerous other individuals, associations, entities, and
13 municipalities that wish to intervene in this action. Because seriatim litigation of proliferating
14 motions to intervene will consume significant resources of both the parties and the Court, Plaintiffs
15 respectfully suggest that the Court deny Proposed Intervenors’ motion to expedite and instead issue
16 an order setting a deadline of July 24, 2009, for all interested persons to file their motions to
17 intervene in this action. Such a deadline will permit the parties to respond to those motions in an
18 omnibus fashion, and permit the Court to consider them at the already-scheduled August 19, 2009
19 hearing, thereby promoting efficiency and conserving judicial resources. It would also ensure that all
20 parties to the litigation are determined at the outset of these proceedings.

21 Accordingly, Plaintiffs respectfully request that the Court deny Proposed Intervenors’ motion
22 to shorten time, and issue an order setting a deadline of July 24, 2009 for all interested persons to file
23 their motions to intervene, and setting forth a briefing calendar that enables the Court to consider the
24 motions at the case management conference currently scheduled on August 19, 2009.

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28 ¹ Plaintiffs will file a separate response to Proposed Intervenors’ motion to intervene.

1 DATED: July 9, 2009

2 GIBSON, DUNN & CRUTCHER LLP

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4 By: _____ /s/
Theodore B. Olson

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
10 JEFFREY J. ZARRILLO

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