

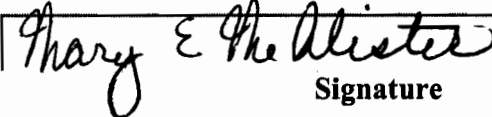


USCA DOCKET # (IF KNOWN)

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

<b>TITLE IN FULL:</b>  KRISTIN M. PERRY, SANDRA B. STIER, PAUL T. KATAMI, and JEFFREY J. ZARRILLO, Plaintiffs  v. ARNOLD SCHWARZENEGGER, in his official capacity as Governor of California; EDMUND G. BROWN JR. in his official capacity	DISTRICT: Northern California	JUDGE: Vaughn Walker
	DISTRICT COURT NUMBER: 09-cv-02292 VRW	
	DATE NOTICE OF APPEAL FILED: Aug 26, 2009	IS THIS A CROSS APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):	
<b>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:</b>  Plaintiffs allege that California Constitution Article I Section 7.5 and statutory provisions defining marriage as the union of a man and a woman are unconstitutional under the Due Process and Equal Protection Clauses of the United States Constitution. Appellant, Campaign for California Families, sought intervention as of right and permissive intervention under F. R. Civ. P. 24. On August 19, 2009, the District Court denied the motion and set the case for trial on January 11, 2010.		
<b>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</b>  That the District Court committed reversible error when it denied Campaign for California Families' Motion to Intervene as of Right. That the District Court erred when it concluded that Campaign for California Families failed to meet the requirements for Permissive Intervention under FRCP 24(b).		
<b>PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS):</b>  Appellant will seek to expedite this appeal because absent an expedited consideration its rights will be irreparably damaged and the appeal will become moot as the District Court is proceeding on an expedited schedule that includes a dispositive motion deadline of October 14, 2009, discovery deadline of November 30, 2009, Pre-trial conference on December 16, 2009 and Trial on January 11, 2010.		
<b>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Possibility of Settlement</li> <li><input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal</li> <li><input checked="" type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify)</li> </ul> Appellant will seek a motion to expedite the appeal based upon the District court's expedited trial schedule (see above). <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program  <input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges		

LOWER COURT INFORMATION			
JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION <input type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER (SPECIFY): 	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION <input checked="" type="checkbox"/> APPEALABLE AS OF RIGHT <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): Order denying intervention	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____ <input checked="" type="checkbox"/> INJUNCTIONS: <input checked="" type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ _____
CERTIFICATION OF COUNSEL			
<b>I CERTIFY THAT:</b> 1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED. 2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2). 3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25. 4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.			
 Signature		August 24, 2009 Date	
COUNSEL WHO COMPLETED THIS FORM			
NAME	Mary E. McAlister		
FIRM	Liberty Counsel		
ADDRESS	PO Box 11108		
CITY	Lynchburg	STATE	VA
		ZIP CODE	24506
E-MAIL	court@lc.org	TELEPHONE	434-592-7000
FAX	434-592-7700		
<b>**THIS DOCUMENT SHOULD BE FILED IN DISTRICT COURT WITH THE NOTICE OF APPEAL. **</b> <b>**IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS.**</b>			