

Case No. 09-16959

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTIN M. PERRY, SANDRA B. STIER, PAUL T. KATAMI, and JEFFREY J. ZARRILLO, Plaintiffs/Appellees

v.

ARNOLD SCHWARZENEGGER, in his official capacity as Governor of California; EDMUND G. BROWN, JR., in his official capacity as Attorney General of California, MARK B. HORTON, in his official capacity as Director of the California Department of Public Health and State Registrar of Vital Statistics; LINETTE SCOTT, in her official capacity as Deputy Director of Health Information & Strategic Planning for the California Department of Public Health; PATRICK O'CONNELL, in his official capacity as Clerk-Recorder for the County of Alameda; and DEAN C. LOGAN, in his official capacity as Registrar-Recorder/ County Clerk for the County of Los Angeles, Defendants.

CAMPAIGN FOR CALIFORNIA FAMILIES, Proposed Intervenor-Defendant/Appellant

PROPOSITION 8 OFFICIAL PROPONENTS DENNIS HOLLINGSWORTH, GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM, and MARK A. JANSSON; and PROTECTMARRIAGE.COM-YES ON 8, A PROJECT OF CALIFORNIA RENEWAL, Intervenor-Defendants/Appellees

Appeal from the United States District Court for the Northern District of California

Honorable Vaughn R. Walker, U.S. District Judge

Case No. CV-09-02292 VRW

**DECLARATION OF MARY E. MCALISTER IN SUPPORT OF
APPELLANT'S MOTION TO EXPEDITE APPEAL**

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I, Mary E. McAlister, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and a member of the bar of this Court. I work for Liberty Counsel, attorney of record for Appellant Campaign for California Families (“the Campaign”). I have actual knowledge of the following facts and if called upon to testify to them could and would do so competently. This Declaration is being offered in support of the Campaign’s Motion to Expedite the Appeal.

2. On September 9, 2009, I contacted counsel for the other parties in this action and requested that they inform me of their position regarding this Motion to Expedite. As of the date of the filing of this Motion, I have heard from the County of Los Angeles and County of Alameda, who have no position on the motion, and from the Plaintiffs, the Intervenor-Defendants, the Attorney General and Administration Defendants who indicated that they do not object to the motion. As of the date of filing of this motion I have not received a response from the Intervenor-Plaintiff City and County of San Francisco.

3. Attached to this Declaration, marked as Exhibit A and incorporated by reference is a true and correct copy of the Civil Minute Order issued by Chief Judge Vaughn Walker following the August 19, 2009 hearing and listed as Dkt. # 160 on the Northern District of California’s electronic docket.

4. Attached to this Declaration, marked as Exhibit B and incorporated by reference is a true and correct copy of pages 18-25, 36-42 and 48 of the Reporter’s Transcript of Proceedings, prepared by U.S. District Court Official Reporter Belle Ball, listed as Dkt. # 162 on the Northern District of California’s electronic docket.

Executed on September 10, 2009, at Lynchburg, Virginia.

I declare under penalty of perjury under the laws of the United States of America and State of California that the above is true and correct.

/s/ Mary E. McAlister

Mary E. McAlister

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