

Nos. 09-17241, 09-17551

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

KRISTIN M. PERRY, et al.,
Plaintiffs-Appellees,

v.

DENNIS HOLLINGSWORTH, et al.
Defendant-Intervenors-Appellants.

Appeal from United States District Court for the Northern District of California
Civil Case No. 09-CV-2292 VRW (Honorable Vaughn R. Walker)

DECLARATION OF NICOLE JO MOSS

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Attorneys for Appellants/Petitioners

I, Nicole Jo Moss, declare as follows:

1. I am Of Counsel at the law firm of Cooper & Kirk, PLLC, and I am one of the attorneys for Appellant/Petitioners Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, Mark A. Jansson, and ProtectMarriage.com – Yes on 8, A Project of California Renewal. I make this declaration in support of Appellants’ Reply in Support of (1) Motion for Stay and (2) Brief in Response to Order to Show Cause, submitted pursuant to an Order of this Court dated November 20, 2009. I have personal knowledge of the facts set forth herein.

2. After the district court entered its November 11 order, counsel for Plaintiffs, Ethan Dettmer, within hours of that order being entered, sent the attached email demanding among other things that Defendant-Intervenors “produce immediately those documents submitted to the Court *in camera* and identified by the Court as responsive and non-privileged.” A true and correct copy of this email is attached hereto as Exhibit A.

I declare, under penalty of perjury under the laws of the United States, that these facts are true and correct and that this Declaration is executed this 23rd day of November 2009 at North Carolina.

/s/ Nicole J. Moss
Nicole J. Moss

Exhibit A

From: [Dettmer, Ethan D.](#)
To: [Nicole Moss;](#)
cc: [Dusseault, Christopher D.; Monagas, Enrique A.; Jesse Panuccio;](#)
[David Thompson;](#)
Subject: RE: Deposition Scheduling
Date: Thursday, November 12, 2009 10:08:23 AM

Dear Nicole:

Based on the order issued last night, I am writing with three requests:

- 1) Please produce immediately those documents submitted to the Court *in camera* and identified by the Court as responsive and non-privileged. I am sure that these specific documents can be produced within minutes or hours, so given the press of time, please produce these documents today.
- 2) With respect to the remaining documents in the same categories, please let me know when you will produce these. I trust, given the Court's narrowing of the responsive document categories, that this can be done promptly, and certainly before the Thanksgiving holiday.
- 3) We would like to schedule depositions of your clients (including the deposition of ProtectMarriage.com) as soon as possible. In order to facilitate this process, please give us the names of the "high ranking members of the campaign" that you have thus far withheld. Please let me know when you have a chance to talk about deposition scheduling, preferably later today.

I look forward to hearing from you.

Best,

Ethan
