

No. 10-16696

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

KRISTIN M. PERRY, et al.,

Plaintiffs-Appellees,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants,

and

PROPOSITION 8 OFFICIAL PROPONENTS

DENNIS HOLLINGSWORTH, et al.,

Defendants-Intervenors-Appellants.

On Appeal From The United States District Court

For The Northern District Of California

No. CV-09-02292 VRW

The Honorable Vaughn R. Walker

**APPELLEES' MOTION FOR LEAVE TO EXCEED
TYPE-VOLUME LIMITATION**

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Pursuant to Ninth Circuit Rule 32-2, Plaintiffs-Appellees respectfully request leave to file an answering brief in excess of the applicable type-volume limitation. *See* Fed. R. App. P. 32(a)(7)(B). In order to respond to Appellants' 30,315-word opening brief, Plaintiffs-Appellees request leave to file an answering brief of no more than 27,000 words. Leave to exceed the type-volume limitation is warranted in light of the necessity for Plaintiffs-Appellees to respond to Appellants' over-length brief and to the additional arguments regarding the constitutionality of Proposition 8 advanced by the County of Imperial in appeal No. 10-16751 and by Appellants' more than two dozen *amici*.

Given the manifest importance of this appeal, Plaintiffs-Appellees do not oppose Appellants' motion to file an over-length brief. In accordance with the type-volume limitations established by Fed. R. App. P. 32(a), however, Plaintiffs-Appellees request that the Court limit Appellants' forthcoming reply brief to one-half the combined length of the answering briefs filed by Plaintiffs-Appellees and the City and County of San Francisco. *See* Fed. R. App. 32(a)(7)(B)(ii).

Respectfully submitted,

/s/ Theodore B. Olson

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Dated: October 18, 2010

9th Circuit Case Number(s) 10-16696

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