

No. 10-16696

ORAL ARGUMENT SCHEDULED FOR DECEMBER 6, 2010

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

KRISTIN PERRY, et al.,
Plaintiffs-Appellees,

v.

ARNOLD SCHWARZENEGGER, et al.
Defendants,

and

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)

**DEFENDANT-INTERVENORS-APPELLANTS'
MOTION FOR LEAVE TO EXCEED TYPE-VOLUME LIMITATIONS**

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Pursuant to Ninth Circuit Rule 32-2, Appellants respectfully seek the Court's leave to file a reply brief in excess of the applicable type-volume limitations. *See* FED. R. APP. P. 32(a)(7)(B)(ii). Specifically, Appellants respectfully request leave to file a brief containing no more than 24,000 words. Since Appellants filed their opening brief, Plaintiffs and the City and County of San Francisco have submitted separate response briefs totaling 131 pages, and have raised important arguments not relied upon by the court below and consequently not addressed in Appellants' opening brief. In addition, 48 amici have submitted briefs on both sides of this case totaling more than 1800 pages and presenting numerous arguments and authorities addressing all aspects of this case. Appellants respectfully submit that a brief of the length we request is amply justified to assist the Court in assessing the wide array of arguments raised on all sides of the numerous issues presented by this case, issues whose resolution has the potential to profoundly impact not just the State of California but the Nation as a whole. Appellants therefore respectfully request leave to file a reply brief of no more than 24,000 words.

Dated: November 1, 2010

Respectfully submitted,

s/ Charles J. Cooper

Charles J. Cooper

Attorney for Appellants

9th Circuit Case Number(s) 10-16696

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/s/ Charles J. Cooper

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