

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**

Andrew P. Pugno
LAW OFFICES OF ANDREW P. PUGNO
101 Parkshore Drive, Suite 100
Folsom, California 95630
(916) 608-3065; (916) 608-3066 Fax

Brian W. Raum
James A. Campbell
ALLIANCE DEFENSE FUND
15100 North 90th Street
Scottsdale, Arizona 85260
(480) 444-0020; (480) 444-0028 Fax

Charles J. Cooper
David H. Thompson
Howard C. Nielson, Jr.
Peter A. Patterson
COOPER AND KIRK, PLLC
1523 New Hampshire Ave., N.W.
Washington, D.C. 20036
(202) 220-9600; (202) 220-9601 Fax

Attorneys for Defendant-Intervenors-Appellants Hollingsworth, Knight, Gutierrez, Jansson, and ProtectMarriage.com

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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SERVICE LIST

Arthur N. Bailey, Jr., Esq.
HAUSFELD LLP
44 Montgomery Street, Suite 3400
San Francisco, California 94104

Thomas Brejcha
THOMAS MORE SOCIETY
29 S. La Salle Street, Suite 440
Chicago, IL 60603

Suzanne B. Goldberg
Clinical Professor of Law & Director
SEXUALITY & GENDER LAW
CLINIC
COLUMBIA LAW SCHOOL
435 West 116th Street
New York, NY 10027

Maura T. Healey
Assistant Attorney General
One Ashburton Place
Boston, MA 02108

Von G. Keetch
KIRTON & McCONKIE, PC
Eagle Gate Tower
60 E. South Temple
Salt Lake City, UT 84111

Jeffrey Mateer
LIBERTY INSTITUTE
2001 W Plano Parkway, Suite 1600
Plano, TX 75075

Jeffrey Hunter Moon
Anthony R. Picarello, Jr.
Michael F. Moses
UNITED STATES CATHOLIC
CONFERENCE
3211 Fourth Street, N.E.
Washington, DC 20017

Lincoln C. Oliphant
COLUMBUS SCHOOL OF LAW
The Catholic University of America
3600 John McCormack Road, NE
Washington, DC 20064

Stuart J. Roth
AMERICAN CENTER FOR LAW
AND JUSTICE
201 Maryland Avenue, N.E.
Washington, DC 20002

Anita L. Staver
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854

Mathew D. Staver
LIBERTY COUNSEL
1055 Maitland Center Commons
2nd Floor
Maitland, FL 32751

James F. Sweeney
SWEENEY & GREENE LLP
8001 Folsom Boulevard, Suite 101
Sacramento, CA 95826

M. Edward Whelan, III
ETHICS AND PUBLIC POLICY
CENTER
1730 M Street N.W., Suite 910
Washington, DC 20036