

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

KRISTIN M. PERRY, et al.,

Plaintiffs-Appellees,

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff-Intervenor-Appellee,

vs.

EDMUND G. BROWN JR., et al.,

Defendants,

DENNIS HOLLINGSWORTH, et al.

Defendants-Intervenors-Appellants.

Nos. 10-16696 & 11-16577

Decided Feb. 7, 2012

Circuit Judges Stephen Reinhardt,
Michael Hawkins, and N.R. Smith

U.S. District Court

Case No. 09-cv-02292 JW

**CITY AND COUNTY OF SAN FRANCISCO'S MOTION FOR
LEAVE TO FILE CORRECTED RESPONSE TO PETITION
FOR REHEARING EN BANC**

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

The Honorable Chief District Judge Vaughn R. Walker (10-16696)
The Honorable Chief District Judge James Ware (11-16577)

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MOTION FOR LEAVE TO FILE CORRECTED BRIEF

Plaintiff-Intervenor-Appellee City and County of San Francisco ("San Francisco") respectfully requests leave of the Court to file the Corrected Brief In Response To Petition For Rehearing En Banc, submitted as ECF Document Number 412 on March 2, 2012.

As indicated on the Notice of Errata submitted by San Francisco as Document Number 413, the Corrected Brief corrects typographical errors to heading numbers that appeared on pages (i) and 11 of San Francisco's original Response. Additionally, at page 15, the Corrected Response replaces the text "These cases, too, are consistent with the panel decision" with "*See also Diaz v. Brewer*, 656 F.3d 1008 (9th Cir. 2011) (elimination of benefits for same-sex partners lacked rational basis)." The Corrected Brief is substantially the same as the original brief and adds no new arguments or supporting points, and it is offered for filing within this Court's deadline for responding to Defendant-Intervenor-Appellant's Petition for Rehearing En Banc. *See* Order, ECF Doc. No. 408.

Appellants and plaintiffs-appellees have advised the Court that they do not oppose this motion.

San Francisco therefore respectfully requests that the Court accept its Corrected Brief for filing.

Dated: March 5, 2012

Respectfully submitted,

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CITY AND COUNTY OF SAN FRANCISCO

9th Circuit Case Numbers 10-16696 & 11-16577

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **CITY AND COUNTY OF SAN FRANCISCO'S MOTION FOR LEAVE TO FILE CORRECTED RESPONSE TO PETITION FOR REHEARING EN BANC** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 5, 2012.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non- CM/ECF participants:

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I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed March 5, 2012, at San Francisco, California.

s/Pamela Cheeseborough
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