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14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 **PROTECTMARRIAGE.COM, et al.,**

19 Plaintiff,

20 v.

21
22 **DEBRA BOWEN, SECRETARY OF
STATE FOR THE STATE OF
23 CALIFORNIA, et al.,**

24 Defendants.

2:09-cv-00058-MCE-DAD

**EX PARTE APPLICATION TO
SHORTEN TIME FOR HEARING ON
STATE DEFENDANTS' RULE 56(f)
MOTION**

Date: TBD

Time: TBD

Courtroom: 7, 14th Floor

The Honorable Morrison C. England, Jr.

Trial Date: March 14, 2011

Action Filed: January 7, 2009

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26 Defendants Debra Bowen, in her official capacity as the Secretary of State for the State of
27 California, Edmund G. Brown Jr., in his official capacity as Attorney General of the State of
28 California, and the individual members of the California Fair Political Practices Commission in

1 their official capacities (“State Defendants”) will and hereby do apply *ex parte* to shorten the time
2 to be heard on their Motion to Deny Plaintiffs’ Motion for Summary Judgment or, in the
3 Alternative, Continue the Hearing Date of Plaintiffs’ Motion, pursuant to rule 56(f) of the Federal
4 Rules of Civil Procedure. This *ex parte* application is brought pursuant to Local Rule 6-144(e),
5 and is supported by the declaration of Zackery P. Morazzini, counsel of record in this matter.

6 This *ex parte* application is made on the grounds, as set forth in detail in the Morazzini
7 Declaration, that given the hearing date of August 13, 2009, as noticed by Plaintiffs for their
8 Motion for Summary Judgment, the State Defendants do not have sufficient time under existing
9 rules of court to be heard on their rule 56(f) motion prior to the hearing on Plaintiffs’ Summary
10 Judgment motion without being prejudiced with regard to opposing Plaintiffs’ Motion.

11 Therefore, the State Defendants respectfully request that a hearing on their rule 56(f)
12 motion, if deemed necessary by the Court, be set for no later than June 19, 2009, with a briefing
13 schedule adjusted accordingly as deemed appropriate by the Court. Such a hearing date would
14 provide sufficient time for Plaintiffs to oppose, should they so desire, the State Defendants’ rule
15 56(f) motion.

16 Dated: June 5, 2009

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
DOUGLAS J. WOODS
Supervising Deputy Attorney General

/s/ Zackery P. Morazzini
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