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11 **Pro Hac Vice Application Pending*
 12 *** Designated Counsel for Service*

13 **United States District Court**
 14 **Eastern District of California**
 15 **Sacramento Division**

<p>16 ProtectMarriage.com, et al.,</p> <p>17 <i>Plaintiffs,</i></p> <p>18 <i>v.</i></p> <p>19 Debra Bowen, et al.,</p> <p>20 <i>Defendants.</i></p>	<p>Case No. 2:09-CV-00058-MCE-DAD</p> <p>PLAINTIFFS’ OPPOSITION TO STATE DEFENDANTS’ EX PARTE APPLICATION FOR RECONSIDERATION OF ORDER SHORTENING TIME ON MOTION FOR PRELIMINARY INJUNCTION</p> <p>Hon. Morrison C. England, Jr.</p>
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 27 **Plaintiffs’ Opposition to State Defendants’**
Ex Parte Application for Reconsideration
 28 **of Order Shortening Time**

1 Plaintiffs ProtectMarriage.com - Yes on 8, a Project of California Renewal
2 (“ProtectMarriage.com), National Organization for Marriage California - Yes on 8, Sponsored
3 by National Organization for Marriage (“NOM-California”), and John Doe #1, an individual,
4 and as a representative of the Class of Major Donors, respectfully oppose State Defendants’ *Ex*
5 *Parte* Application for Reconsideration of Order Shortening Time on Motion for Preliminary
6 Injunction, and in support thereof state:

7 Plaintiffs are currently in the process of perfecting service in compliance with Fed. R.
8 Civ. P. 4(c). *See* Affidavit of Michele L. Schmidt in Support of Plaintiffs’ Opposition to State’s
9 *Ex Parte* Application for Reconsideration of Order Shortening Time on Motion for Preliminary
10 Injunction, at ¶¶ 3-4. Furthermore, Plaintiffs have made every attempt to provide State
11 Defendants with courtesy copies of all documents filed in this action in a timely manner so as to
12 not prejudice State Defendants in their preparation of any opposition to Plaintiffs’ Motions. *See*
13 Affidavit of Sarah E. Troupis in Support of Plaintiffs’ Opposition to State Defendants’ *Ex Parte*
14 Application for Reconsideration of Order Shortening Time on Motion for Preliminary
15 Injunction, at ¶¶ 3-8 (setting for how Plaintiffs’ have provided, and attempted to provide, copies
16 of all documents in a timely manner, and State Defendants’ unwillingness to provide electronic
17 addresses); Affidavit of Scott F. Bieniek in Support of Plaintiffs’ Opposition to State
18 Defendants’ *Ex Parte* Application for Reconsideration of Order Shortening Time on Motion for
19 Preliminary Injunction, at ¶¶ 3-9 (setting forth how Plaintiffs have provided, and attempted to
20 provide, copies of all documents in a timely manner to State Defendants).

21 Furthermore, State Defendants’ accusation that Plaintiffs have failed to comply with
22 Local Rule 6-144 is inaccurate. Plaintiffs filed their Motion to Shorten Time for Hearing on
23 Motion for Preliminary Injunction a mere two days after filing the Complaint, prior to receiving
24 any contact information for Defendants’ counsel. As such, it was impossible for Plaintiffs’
25 counsel to obtain a stipulated hearing date. *See* Affidavit of Sarah E. Troupis in Support of

1 Plaintiffs' Motion to Shorten Time for Hearing on Motion for Preliminary Injunction, at ¶ 4.

2 Furthermore, Plaintiffs have filed a Motion for Protective Order and an *Ex Parte* Motion
3 for Leave to File Documents Under Seal, pursuant to Local Rule 39-141(e). Until such time as
4 this Court rules on said Motions, Plaintiffs will not provide signed versions of any declarations
5 filed in support of Plaintiffs' Motion for Preliminary Injunction. As a courtesy, Plaintiffs
6 proactively prepared redacted versions of said declarations and provided them to State
7 Defendants on Monday, January 12, 2009. *See* Affidavit of Scott F. Bieniek in Support of
8 Plaintiffs' Opposition to State Defendants' *Ex Parte* Application for Reconsideration of Order
9 Shortening Time on Motion for Preliminary Injunction, at ¶ 8.

10 Therefore, Plaintiffs respectfully request this Court deny State Defendants' *Ex Parte*
11 Application for Reconsideration of Order Shortening Time.

12 Respectfully submitted,

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14 /s/ Timothy D. Chandler
15 Timothy D. Chandler (Cal. Bar No. 234325)
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18 Folsom, CA 95630
19 Counsel for All Plaintiffs
20 Designated Counsel for Service

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Counsel for All Plaintiffs
**Pro Hac Vice Application Pending*

1 **PROOF OF SERVICE**

2 I, Timothy D. Chandler, am over the age of 18 and not a party to the within action. My
3 business address is 101 Parkshore Drive, Suite 100, Folsom, California 95630.

4 On January 13, 2009, I electronically filed the foregoing document described as Plaintiffs'
5 Opposition to State Defendants' *Ex Parte* Application for Reconsideration of Order Shortening
6 Time on Motion for Preliminary Injunction, which will be served on all Defendants along with
7 the Summons and Amended Complaint.

8 I declare under the penalty of perjury under the laws of the State of California that the
9 above is true and correct. Executed on January 13, 2009 at Folsom, California.

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11 /s/ Timothy D. Chandler
12 Timothy D. Chandler (SBN 234325)
13 Attorney for Plaintiffs
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