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 14 Attorneys for Plaintiffs KRISTIN M. PERRY, SANDRA B. STIER,
 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,
 18 PAUL T. KATAMI, and JEFFREY J.
 ZARRILLO,

19 Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, in his official
 capacity as Governor of California; EDMUND
 22 G. BROWN, JR., in his official capacity as
 Attorney General of California; MARK B.
 23 HORTON, in his official capacity as Director of
 the California Department of Public Health and
 State Registrar of Vital Statistics; LINETTE
 24 SCOTT, in her official capacity as Deputy
 Director of Health Information & Strategic
 25 Planning for the California Department of Public
 Health; PATRICK O'CONNELL, in his official
 26 capacity as Clerk-Recorder for the County of
 Alameda; and DEAN C. LOGAN, in his official
 27 capacity as Registrar-Recorder/County Clerk for
 the County of Los Angeles,

28 Defendants.

CASE NO. 09-CV-2292 VRW

**JOINT STIPULATION [AND PROPOSED
 ORDER] TO EXTEND TIME REGARDING
 PRETRIAL FILINGS**

1 Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J. Zarrillo
2 (“Plaintiffs”), Plaintiff-Intervenor City and County of San Francisco (“Plaintiff-Intervenor”),
3 Defendant-Intervenors Proposition 8 Official Proponents Dennis Hollingsworth, Gail J. Knight,
4 Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson; and ProtectMarriage.com –
5 Yes on 8, A Project of California Renewal (“Defendant-Intervenors”), and Defendants Arnold
6 Schwarzenegger, Edmund G. Brown Jr., Mark B. Horton, Linette Scott, Patrick O’Connell, and Dean
7 C. Logan (“Defendants”) (collectively the “Parties”), through their respective counsel of record,
8 hereby stipulate to the following regarding the dates for filing of documents directed by the Court’s
9 August 24, 2009 Pretrial Scheduling Order (Doc #164):

10 WHEREAS the Court entered a Pretrial Scheduling Order directing the parties to file trial
11 memoranda, proposed findings of fact, witness lists, designations of discovery excerpts, motions *in*
12 *limine*, and objections to anticipated evidence and testimony, and exchange exhibits “not less than ten
13 days before the pretrial conference” scheduled for December 16, 2009, at 10:00 a.m.;

14 WHEREAS the Pretrial Scheduling Order states that the parties shall file and serve their
15 responses to objections to evidence and responses to motions *in limine* “five days before the pretrial
16 conference”;

17 WHEREAS certain relevant discovery will not occur until November 30, 2009, or shortly
18 before November 30, 2009, due to the parties’ ongoing discovery disputes and difficulty scheduling
19 all depositions prior to November 30, 2009;

20 WHEREAS the parties wish to ensure that their pretrial filings are as complete and reflect as
21 much discovery as possible; and

22 WHEREAS the Federal Rules of Civil Procedure and the Northern District of California Civil
23 Local Rules that go into effect on December 1, 2009 will compute time based on calendar days
24 instead of court days, such that a filing deadline of not less than “five days before the [December 16]
25 pretrial conference” would be calculated to be December 11, 2009, not December 9, 2009, which
26 would be the deadline under the former Federal and Local Rules;

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1 THEREFORE, pursuant to Federal Rule of Civil Procedure 6(b) and Northern District of
2 California Civil Local Rules 6-1(b), 6-2(a), 7-12, and 16-2(e), it is hereby STIPULATED AND
3 AGREED, by and between the undersigned, attorneys of record for parties in the above-captioned
4 action, as follows:

5 1. The parties will file trial memoranda, proposed findings of fact, witness lists,
6 designations of discovery excerpts, motions *in limine*, and objections to anticipated evidence and
7 testimony, and serve exhibits by December 7, 2009 pursuant to the Court's Pretrial Scheduling Order;

8 2. The parties will file and serve any responses to objections to evidence and/or
9 responses to motions *in limine* on December 11, 2009 pursuant to the Court's Pretrial Scheduling
10 Order and applying the December 1, 2009 modifications to the relevant Rules;

11 3. The parties reserve the right to supplement their pretrial filings to reflect discovery
12 that occurs after the date of the pretrial filings, including depositions currently scheduled to occur
13 after November 30, 2009;

14 4. This Stipulation may be signed in counterparts and facsimile signatures are deemed
15 originals for all purposes.

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1 DATED: November 30, 2009

GIBSON, DUNN & CRUTCHER LLP

2
3 By: _____ /s/
4 Christopher D. Dusseault

5 and

6 BOIES, SCHILLER & FLEXNER LLP

7 David Boies

8 Attorneys for Plaintiffs KRISTIN M. PERRY,
9 SANDRA B. STIER, PAUL T. KATAMI, and
JEFFREY J. ZARRILLO

10 DATED: November 30, 2009

OFFICE OF THE CITY ATTORNEY

11
12 By: _____ /s/
13 Ronald Flynn

14 Attorneys for Plaintiff-Intervenor
15 CITY AND COUNTY OF SAN FRANCISCO

16 DATED: November 30, 2009

COOPER AND KIRK, PLLC

17
18 By: _____ /s/
19 Nicole J. Moss

20 Attorneys for Defendant-Intervenors
21 PROPOSITION 8 OFFICIAL PROPONENTS; and
PROJECT OF CALIFORNIA RENEWAL

22 DATED: November 30, 2009

OFFICE OF THE ATTORNEY GENERAL

23
24 By: _____ /s/
25 Tamar Pachter

26 Attorneys for Defendant
27 ATTORNEY GENERAL EDMUND G. BROWN JR.
28

1 DATED: November 30, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

2
3 By: _____ /s/
Andrew W. Stroud

4 Attorneys for Defendants ARNOLD
5 SCHWARZENEGGER, MARK B. HORTON, and
6 LINETTE SCOTT (the "Administration Defendants")

7 DATED: November 30, 2009

THE OFFICE OF THE COUNTY COUNSEL

8
9 By: _____ /s/
Manuel F. Martinez, Associate County Counsel

10 Attorneys for Defendant PATRICK O'CONNELL,
11 Clerk-Recorder for the County of Alameda

12 DATED: November 30, 2009

THE OFFICE OF COUNTY COUNSEL

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14
15 By: _____ /s/
Judy Whitehurst

16 Attorneys for Defendant DEAN C. LOGAN,
17 Recorder/County Clerk for the County of Los Angeles

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20
21
22 Dated: _____

23 _____
HON. VAUGHN R. WALKER
United States District Chief Judge

ATTESTATION PURSUANT TO GENERAL ORDER NO. 45

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: _____ /s/ Sarah E. Piepmeier

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