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ATTORNEY FOR DEFENDANT-INTERVENOR HAK-SHING WILLIAM TAM

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

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

Plaintiffs,

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff-Intervenor,

v.

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

Defendants,

PROPOSITION 8 OFFICIAL PROPONENTS  
DENNIS HOLLINGSWORTH, GAIL J.  
KNIGHT, MARTIN F. GUTIERREZ, HAK-  
SHING WILLIAM TAM, and MARK A.  
JANSSON; and PROTECTMARRIAGE.COM –  
YES ON 8, A PROJECT OF CALIFORNIA  
RENEWAL,

Defendant-Intervenors,

CASE NO. 09-CV-2292 VRW

**HAK-SHING WILLIAM TAM'S  
NOTICE OF MOTION AND MOTION  
TO SHORTEN TIME**

Courtroom: 6, 17th Floor  
Judge: Chief Judge Vaughn R. Walker  
Trial Date: January 11, 2010  
Action Filed: May 22, 2009

1 **TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Defendant-Intervenor Hak-Shing William Tam hereby  
3 moves this court for an order shortening time on his Motion to Withdraw from the case. The motion  
4 of Hak-Shing William Tam is based on this Notice of Motion and Motion, the Motion to Withdraw,  
5 the Declaration of Terry L. Thompson in support of the Motion to Shorten Time, all pleadings and  
6 other documents filed in this case, and any and all arguments of counsel at a hearing on the Motion  
7 to Shorten Time.

8 **ARGUMENT**

9 Pursuant to Civil Local rule 6-3, Defendant-Intervenor Hak-Shing William Tam  
10 respectfully seeks the Court's leave for a hearing on the Motion to Withdraw either before or after  
11 the trial proceedings on Tuesday, January 12<sup>th</sup>, 2010 or as soon thereafter as reasonably possible.  
12 Defendant-Intervenor Tam (Dr. Tam) also submits that the time for briefing should be shortened to  
13 expedite the Court's consideration of this matter. Since the trial is set to begin on January 11, 2010,  
14 time does not permit the usual briefing and hearing schedule on the Motion to Withdraw. Further,  
15 since Dr. Tam could be called as a witness as early as Wednesday January 13<sup>th</sup>, it would be  
16 beneficial to all parties to have Dr. Tam's motion for withdrawal heard as soon as possible.

17 As set forth in the Motion to Withdraw and supporting Memorandum, Defendant-Intervenor  
18 Dr. Tam voluntarily intervened in this case and has a similar right to voluntarily withdraw from the  
19 case. Plaintiffs' have stated that he has this right. In addition there are compelling reasons for  
20 granting Dr. Tam's motion to withdraw, including real and palpable concerns for his personal safety  
21 and the safety of his family, a desire to avoid offensive and intrusive discovery, pressure to devote  
22 more time to his ministry and objection to being tied down for several years with this case.

23 Counsel for Dr. Tam has conferred with all the parties about the instant motion. Plaintiffs  
24 have indicated that they are "evaluating the motion" to withdraw and are not in a position at this  
25 time to indicate what their response will be. Similarly, they will not comment on the Motion to  
26 Shorten Time until the motion is filed. A message was left for Plaintiff-Intervenors but at this  
27 point they have not yet responded.

1 Defendants SCHWARZENEGGER, HORTON and SCOTT have indicated that they would  
2 not oppose the Motion to Withdraw nor the Motion to Shorten Time. Defendant LOGAN has  
3 indicated that he would not oppose the Motion to Withdraw nor the Motion to Shorten Time.  
4 Defendant-Intervenors have indicated that they would not oppose the Motion to Withdraw nor the  
5 Motion to Shorten Time. Defendant O'CONNELL has indicated that he would take no position on  
6 these motions. A message was left for counsel for Defendant BROWN but a response has not yet  
7 been received.

8 This motion should be heard as soon as possible to make the most efficient use of time for  
9 all parties and to expedite Dr. Tams request to withdraw.

10  
11 **CONCLUSION**

12 For all of these reasons, Defendant-Intervenor Tam respectfully requests that this motion to  
13 shorten time be granted.

14 Dated: January 8, 2010

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17 LAW OFFICE OF TERRY L. THOMPSON  
18 Attorney for Defendant-Intervenor  
19 Hak-Shing William Tam

20 By: s/Terry L. Thompson  
21 Terry L. Thompson