

BRIAN R. CHAVEZ-OCHOA
CALIFORNIA STATE BAR # 190289
CHAVEZ-OCHOA LAW OFFICES, INC.
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VALLEY SPRINGS, CALIFORNIA 95252
(209) 772-3013, FAX (209) 772-3090

VINCENT P. MCCARTHY, SR. COUNSEL
CONNECTICUT STATE BAR # 100195
AMERICAN CENTER FOR LAW AND JUSTICE, NE
11 W. CHESTNUT HILL ROAD
LITCHFIELD, CT 06759
(860) 567-9485, FAX (860) 567-9513
Motion for Admission Pro Hac Vice Pending

Attorneys for Non-Party Dr. Jim Garlow
and Non-Party Pastor Miles McPherson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRISTEN M. PERRY, *et al.*,
Plaintiffs,
and
CITY AND COUNTY OF SAN
FRANCISCO,
Plaintiff-Intervenor,

vs.

ARNOLD SCHWARZENEGGER, *et al.*,
Defendants
and
PROPOSITION 8 OFFICIAL PROPONENTS
DENNISE HOLLINGSWORTH, *et al.*,
Defendant –Intervenors.

Case No.: 3:09-cv-02292

**DECLARATION OF BRIAN R. CHAVEZ-
OCHOA IN SUPPORT OF MOTION
TO SHORTEN TIME**

Trial Date: January 11, 2010

I, Brian R. Chavez-Ochoa, hereby declare:

1. I am one of the attorneys representing Miles McPherson, a non-party who has
been subpoenaed to testify in the subject case.

1 2. I have personal knowledge of the matters set forth herein and, if called on to
2 testify, I could and would competently testify thereto.

3 3. On behalf of Miles McPherson, I filed a Motion to Quash Subpoena and For
4 Protective Order today in this action.

5
6 4. In accordance with Local Rule 7-2(a) a 35 day notice is required which would put
7 the hearing on his Motion to Quash and For Protective Order at March 2nd, allowing for
8 weekends and the Presidents' Day holidays. Since the trial is scheduled to start on today,
9 Monday January 11th and Mr. McPherson could be called as a witness as early as Wednesday
10 January 13th it would be beneficial to all parties to have Mr. McPherson's Motion to Quash
11 Subpoena and For Protective Order heard as soon as possible.

12
13 5. Therefore it is requested that a hearing on the subject motion be held prior to Mr.
14 McPherson being called to testify or as soon as reasonably possible.

15 6. It is also requested that the time for briefing be shortened to expedite the court's
16 consideration of this matter.

17
18 7. Counsel has not previously requested an expedited hearing, but he has asked
19 counsel for Plaintiffs when Mr. McPherson will be called to testify. Counsel for Plaintiffs could
20 give counsel no answer, other than not in the first two days of the trial.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23
24 Executed on January 8, 2010, at Valley Springs, California, County of Calaveras.

25 /S/ Brian R. Chavez-Ochoa
26 Brian R. Chavez-Ochoa
27 CHAVEZ-OCHOA LAW OFFICES, INC.
28 Attorney for Non-Party Dr. Jim Garlow
and Non-Party Pastor Miles McPherson
4 Jean Street, Suite 4
Valley Springs, CA 95252

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Declaration of Brian R. Chavez-Ochoa in Support of Motion to Shorten Time was served on all parties required to be served this 11th day of January, 2010, by the following methods and addressed as follows:

By ELECTRONIC SERVICE:

- | | |
|--------------------------|----------------------------|
| Elizabeth O. Gill | Theodore J. Boutrous, Jr. |
| Alan Lawrence Schlosser | Ethan D. Dettmer |
| Kevin Trent Snider | Christopher Dean Dusseault |
| Jennifer Lynn Monk | Jeremy Michael Goldman |
| Robert Henry Tyler | Theane Evengelis Kapur |
| Gordon Bruce Burns | Matthew Dempsey McGill |
| Tamar Pachter | Enrique Antonio Monagas |
| Rena M. Lindevaldsen | Theodore B. Olson |
| Mary Elizabeth McAlister | Sarah Elizabeth Piepmeier |
| Jesse Panucio | Josh Schiller |
| Eric Brianna Bernstein | Amir Cameron Tayrani |
| Danny Yeh Chou | Theodore Hideyuki Uno |
| Ronald P. Flynn | Tara Lynn Borelli |
| Christine Van Aken | Matthew Albert Coles |
| David E. Bunim | Jon Warren Davison |
| James J. Brosnahan | James Dixon Esseks |
| Tobias Barrington Wolff | Shannon Minter |
| James A. Campbell | Jennifer Carol Pizer |
| Timothy D. Chandler | Alan Lawrence Schlosser |
| Charles J. Cooper | Christopher Francis Stoll |
| Jordan W. Lorence | Iona Margaret Turner |
| Howard C. Neilson, Jr. | Charles Salvatore LiMandri |
| Austin R. Nimocks | Judy Whitehurst |
| Peter A. Patterson | Thomas R. Burke |
| Andrew Perry Pugno | Claude Franklin Kolm |
| Brian E. Raum | Manuel Francisco Martinez |
| David H. Thompson | Rosanne C. Baxter |
| Kenneth C. Mennemieier | Michael W. Kirk |
| Andrew Walter Stroud | Eric Grant |
| Richard J. Bettan | Terry Lee Thompson |
| David Boies | Patrick John Gorman |

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(Signature of Following Page)

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Respectfully submitted,
Signed at Valley Springs, California on
January 11, 2010.

/S/ Brian R. Chavez-Ochoa
Brian R. Chavez-Ochoa
CHAVEZ-OCHOA LAW OFFICES, INC.
Attorney for Non-Party Dr. Jim Garlow
and Non-Party Pastor Miles McPherson
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