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17 CITY AND COUNTY OF SAN FRANCISCO

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

20 KRISTIN M. PERRY, *et al.*,  
21 Plaintiffs,  
22 and  
23 CITY AND COUNTY OF SAN FRANCISCO,  
Plaintiff-Intervenor,  
24 v.  
25 ARNOLD SCHWARZENEGGER, *et al.*,  
26 Defendants,  
27 and  
28 PROPOSITION 8 OFFICIAL PROPONENTS  
DENNIS HOLLINGSWORTH, *et al.*,  
Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**DECLARATION OF ENRIQUE A.  
MONAGAS IN SUPPORT OF  
PLAINTIFFS' AND PLAINTIFF-  
INTERVENOR'S MOTION TO  
ENLARGE TIME**

1 I, Enrique A. Monagas, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and in the United States  
3 District Court for the Northern District of California. I am an associate at the law firm of Gibson,  
4 Dunn & Crutcher LLP, counsel of record for Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T.  
5 Katami, and Jeffrey J. Zarrillo (“Plaintiffs”). I make this declaration in support of Plaintiffs’ and  
6 Plaintiff-Intervenor’s motion to enlarge time. I have personal knowledge of the facts set forth herein,  
7 and if called as a witness, I could and would competently testify hereto.

8 2. This Court entered its findings of fact and conclusions of law on August 4, Doc #708, and  
9 entered a permanent injunction on August 12, Doc #728. Since that time, the parties have been  
10 expeditiously briefing Defendant-Intervenors’ motion to stay this Court’s decision pending appeal.

11 3. Federal Rule of Civil Procedure 54(d)(2)(B)(i) provides prevailing parties with 14 days  
12 after the entry of judgment in which to file a motion for attorney’s fees and related expenses. In a  
13 case such as this one, however, where the parties expended significant resources on pre-trial motions,  
14 discovery, a three-week trial, and post-trial briefing and argument, the preparation of a motion for  
15 attorney’s fees and related expenses—and any opposition thereto—is likely to be unusually time-  
16 consuming.

17 4. On August 16, 2010, the United States Court of Appeals for the Ninth Circuit ordered that  
18 Proponents’ appeal from this Court’s decision be expedited pursuant to Federal Rule of Appellate  
19 Procedure 2 and entered the following briefing schedule: the opening brief is due September 17,  
20 2010; the answering brief is due October 18, 2010; and the reply brief is due November 1, 2010.  
21 Under the current schedule, any motion for attorney’s fees and related expenses must be prepared and  
22 submitted at the same time that the expedited appeal on the merits is proceeding.

23 5. Enlarging the time to file a motion for attorney’s fees and related expenses would enable  
24 the parties to commit their full litigation resources to the appeal at this time and would allow any  
25 motion for fees and related expenses to proceed only at such time as the prevailing party has been  
26 finally determined. In short, enlarging the time to file a motion for attorney’s fees and related  
27 expenses will not prejudice any party and will indeed avoid unnecessary burden to the parties and the  
28 Court while the parties address the appeal on the merits and promote judicial economy.

1           6. Plaintiffs’ counsel contacted all parties involved in an attempt to obtain a stipulation to  
2 enlarge time. Defendants Arnold Schwarzenegger, Edmund G. Brown, Jr., Mark B. Horton, Linette  
3 Scott, Patrick O’Connell, and Dean C. Logan have all agreed to enlarging the time. Counsel for Hak-  
4 Shing William Tam did not respond to Plaintiffs’ counsel’s inquiry. Only Defendant-Intervenors  
5 Proposition 8 Official Proponents Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, and  
6 Mark A. Jansson; and ProtectMarriage.com – Yes on 8, A Project of California Renewal  
7 (“Defendant-Intervenors”) have not agreed to the extension.

8           7. Attached hereto as Exhibit A is a true and correct copy of an e-mail from Andrew W.  
9 Stroud, counsel for Defendants Governor Arnold Schwarzenegger, Mark B. Horton, and Linette  
10 Scott, agreeing to a proposed stipulation extending the time to file a motion for attorney’s fees and  
11 related expenses.

12           8. Attached hereto as Exhibit B is a true and correct copy of an e-mail from Tamar Pachter,  
13 counsel for Defendant Attorney General Edmund G. Brown, Jr., agreeing to a proposed stipulation  
14 extending the time to file a motion for attorney’s fees and related expenses.

15           9. Attached hereto as Exhibit C is a true and correct copy of an e-mail from Claude Kolm,  
16 counsel for Defendant Patrick O’Connell, agreeing to a proposed stipulation extending the time to file  
17 a motion for attorney’s fees and related expenses.

18           10. Attached hereto as Exhibit D is a true and correct copy of an e-mail from Judy Whitehurst,  
19 counsel for Defendant Dean C. Logan, agreeing to a proposed stipulation extending the time to file a  
20 motion for attorney’s fees and related expenses.

21           11. Attached hereto as Exhibit E is a true and correct copy of an e-mail from David  
22 Thompson, counsel for Defendant-Intervenors, advising that “The proponents do not agree to the  
23 stipulation outlined below, nor do we agree to an extension of time for the filing of a motion for  
24 attorneys’ fees.”

25           12. I am aware of four previous time modifications in this case, two by Court order, *see*  
26 Doc #170, Doc #710, and two by stipulation, *see* Doc #266, Doc #615.

27           13. The requested time modification would not affect the schedule of this case.

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1 I declare, under penalty of perjury under the laws of the United States, that these facts are true  
2 and correct and that this Declaration is executed this 17th day of August 2010 at San Francisco,  
3 California.

4 /s/ Enrique A. Monagas

5 Enrique A. Monagas  
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