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

CASE NO. 09-CV-2292 VRW

**DECLARATION OF ENRIQUE A.
MONAGAS IN SUPPORT OF
PLAINTIFFS' AND PLAINTIFF-
INTERVENOR'S MOTION TO
SHORTEN 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 shorten 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. Federal Rule of Civil Procedure 54(d)(2)(B)(i) provides prevailing parties with 14 days
9 after the entry of judgment in which to file a motion for attorney’s fees and related expenses. This
10 Court entered its findings of fact and conclusions of law on August 4, Doc #708, and entered a
11 permanent injunction on August 12, Doc #728. Since that time, the parties have been expeditiously
12 briefing Defendant-Intervenors’ motion to stay this Court’s decision pending appeal.

13 3. Plaintiffs and Plaintiff-Intervenor are filing concurrently herewith a motion to enlarge
14 time to file a motion for attorney’s fees and related expenses. Civil Local Rule 6-3(c) provides four
15 days for a party to oppose a motion to enlarge time. Plaintiffs and Plaintiff-Intervenor seek an order
16 shortening time for Defendant-Intervenors to respond so that the Court may rule on the concurrently
17 filed motion to enlarge time in advance of the deadline to file a motion for attorney’s fees and related
18 expenses. *See* Fed. R. Civ. P. 54(d)(2)(B)(i). Substantial prejudice would result if the Court were to
19 deny this motion to shorten time because, in the event the Court were to deny Plaintiffs’ and Plaintiff-
20 Intervenor’s motion to enlarge time, Plaintiffs and Plaintiff-Intervenor would likely not have
21 sufficient time to file their motion for attorney’s fees and related expenses.

22 4. Due to the exigencies of the situation, Plaintiffs and Plaintiff-Intervenor have not
23 contacted the other parties seeking a stipulation to shorten time. As described in the declaration in
24 support of the motion to enlarge time filed concurrently herewith, Plaintiffs contacted all parties
25 involved in an attempt to obtain a stipulation to enlarge time, which would have alleviated the need
26 for a motion to shorten time.

27 5. The underlying dispute is whether Plaintiffs and Plaintiff-Intervenor should be permitted
28 an enlargement of time in which to file their motion for attorney’s fees and related expenses due to

1 the pendency of the appeal and expedited briefing schedule ordered by the United States Court of
2 Appeals for the Ninth Circuit.

3 6. I am aware of four previous time modifications in this case, two by Court order, *see* Doc
4 #170, Doc #710, and two by stipulation, *see* Doc #266, Doc #615.

5 7. The requested time modification would not affect the schedule of this case.

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

9 */s/ Enrique A. Monagas*

10 Enrique A. Monagas