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26 ATTORNEYS FOR PROPOSED INTERVENORS DENNIS HOLLINGSWORTH,

27 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, MARK A. JANSSON,

28 and PROTECTMARRIAGE.COM – YES ON 8, A

PROJECT OF CALIFORNIA RENEWAL

* Admitted *pro hac vice*

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

21 KRISTIN M. PERRY, SANDRA B. STIER, PAUL

22 T. KATAMI, and JEFFREY J. ZARRILLO,

23 Plaintiffs,

24 v.

25 ARNOLD SCHWARZENEGGER, in his official
26 capacity as Governor of California; EDMUND G.

27 BROWN, JR., in his official capacity as Attorney
28 General of California; MARK B. HORTON, in his
official capacity as Director of the California

Department of Public Health and State Registrar of

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS
DENNIS HOLLINGSWORTH, GAIL
J. KNIGHT, MARTIN F.
GUTIERREZ, MARK A. JANSSON,
AND PROTECTMARRIAGE.COM'S
OPPOSITION TO MOTION TO
SHORTEN TIME**

1 Vital Statistics; LINETTE SCOTT, in her official
2 capacity as Deputy Director of Health Information
3 & Strategic Planning for the California Department
4 of Public Health; PATRICK O'CONNELL, in his
5 official capacity as Clerk-Recorder for the County
6 of Alameda; and DEAN C. LOGAN, in his official
7 capacity as Registrar-Recorder/County Clerk for
8 the County of Los Angeles,

9 Defendants,

10 and

11 PROPOSITION 8 OFFICIAL PROPONENTS
12 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
13 MARTIN F. GUTIERREZ, and MARK A.
14 JANSSON; and PROTECTMARRIAGE.COM –
15 YES ON 8, A PROJECT OF CALIFORNIA
16 RENEWAL,

17 Defendant-Intervenors.

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1 Pursuant to Civil Local Rule 6-3(c) Defendants-Intervenors Hollingsworth, Knight,
2 Gutierrez, Jansson, and ProtectMarriage.com submit the following opposition to Plaintiffs' and
3 Plaintiff-Intervenor's¹ Motion to Shorten Time.

4 On August 17, 2010 at 5:14 p.m. Plaintiffs' counsel filed a motion seeking to shorten
5 Defendants-Intevenors' time to respond to their motion to enlarge time to file a motion for
6 attorney's fees and costs. Specifically, Plaintiffs seek an order shortening Defendants-Intervenors'
7 time to respond from 4 days to "no more than 24 hours." Defendants-Intervenors oppose Plaintiffs'
8 motion to shorten time because they have failed to justify their request pursuant to the Local Rules.

9 Civil Local Rule 6-3 requires Plaintiffs to set forth, among other things, "the reasons for the
10 requested enlargement or shortening of time" and the "substantial harm or prejudice that would
11 occur if the court did not change the time." See Civil Local Rule 6-3(a)(1) and (3). Neither
12 Plaintiffs' motion nor the supporting declaration satisfies the requirements of the rule. The only
13 reason that Plaintiffs identify is a claim that they will suffer "substantial prejudice" if the motion
14 to shorten time is not granted "because, in the event the Court were to deny Plaintiffs' and Plaintiff-
15 Intervenor's *motion to enlarge time*, Plaintiffs and Plaintiff-Intervenor would likely not have
16 sufficient time to file their motion for attorney's fees and related expenses." See Declaration of
17 Enrique A. Monagas at ¶ 3 (emphasis added).

18 Plaintiffs have until August 26th to file their motion for attorney's fees. To suggest that the
19 Plaintiffs would suffer "substantial prejudice" if the Defendant-Intervenors were permitted 4 days,
20 as provided by the rules, to respond to their motion to enlarge time is patently unreasonable.
21 Plaintiffs have demonstrated throughout this litigation a willingness and ability to allocate
22 extraordinary resources to this case. To represent that they would be in danger of not "having
23 sufficient time" to file a motion for attorney's fees unless Defendant-Intervenors are provided "no
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28 ¹ Movants will be referred to herein collectively as "Plaintiffs."

1 more than 24 hours” to respond to their motion to enlarge time is not credible.

2 To the extent Plaintiffs have concerns regarding time, it is their own doing. Plaintiffs
3 waited 6 days to file their motion to enlarge time to seek attorney’s fees. Now, Plaintiffs seek to
4 drastically shorten Defendant-Intervenors’ time to respond to that motion so that *they* have more
5 time to prepare an application for attorney’s fees in the event this Court does not grant their motion
6 to enlarge time. Such a burden shift is unwarranted.
7

8 Consequently, Defendant-Intervenors respectfully oppose Plaintiffs’ motion to shorten time
9 and request that they be afforded the full 4 days to respond.
10

11 DATED: August 18, 2010

ALLIANCE DEFENSE FUND
ATTORNEYS FOR DEFENDANT-INTERVENORS
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15 By: /s/ Brian W. Raum
16 Brian W. Raum