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 17 and PROTECTMARRIAGE.COM – YES ON 8, A  
 18 PROJECT OF CALIFORNIA RENEWAL

\* Admitted *pro hac vice*

19  
 20 **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  
 capacity as Governor of California; EDMUND G.  
 26 BROWN, JR., in his official capacity as Attorney  
 General of California; MARK B. HORTON, in his  
 27 official capacity as Director of the California  
 28

CASE NO. 09-CV-2292 VRW

**DECLARATION OF BRIAN W.  
 RAUM IN SUPPORT OF  
 DEFENDANT-INTERVENORS  
 DENNIS HOLLINGSWORTH, GAIL  
 J. KNIGHT, MARTIN F.  
 GUTIERREZ, MARK A. JANSSON,  
 AND PROTECTMARRIAGE.COM'S  
 OPPOSITION TO MOTION TO  
 SHORTEN TIME**

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

10 Defendants,

11 and

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

18 Defendant-Intervenors.

19 Additional Counsel for Defendant-Intervenors

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1 I, Brian W. Raum, declare as follows:

2 1. I am one of the attorneys of record for Defendant-Intervenors Dennis Hollingsworth,  
3 Gail Knight, Martin Gutierrez, Mark Jansson, and ProtectMarriage.com (“Proponents”) in the  
4 above-captioned matter and I make this declaration in opposition to Plaintiffs and Plaintiff-  
5 Intervenors’ Motion to Shorten Time pursuant to Civil Local Rule 6-3.

6 2. On August 17, 2010 at 5:14 p.m. Plaintiffs’ counsel filed a motion seeking to shorten  
7 Defendants-Intervenors’ time to respond to their motion to enlarge time to file a motion for  
8 attorney’s fees and costs. Specifically, Plaintiffs seek an order shortening Defendants-Intervenors’  
9 time to respond from 4 days to “no more than 24 hours.” Defendants-Intervenors oppose Plaintiffs’  
10 motion to shorten time because they have failed to justify their request pursuant to the Local Rules.  
11

12 3. Civil Local Rule 6-3 requires Plaintiffs to set forth, among other things, “the reasons  
13 for the requested enlargement or shortening of time” and the “substantial harm or prejudice that  
14 would occur if the court did not change the time.” *See* Civil Local Rule 6-3(a)(1) and (3).  
15

16 4. Neither Plaintiffs’ motion nor the supporting declaration satisfies the requirements of  
17 the rule. The only reason that Plaintiffs identify is a claim that they will suffer “substantial  
18 prejudice” if the motion to shorten time is not granted “because, in the event the Court were to  
19 deny Plaintiffs’ and Plaintiff-Intervenor’s *motion to enlarge time*, Plaintiffs and Plaintiff-Intervenor  
20 would likely not have sufficient time to file their motion for attorney’s fees and related expenses.”  
21 *See* Declaration of Enrique A. Monagas at ¶ 3 (emphasis added).  
22

23 5. Plaintiffs have until August 26th to file their motion for attorney’s fees. To suggest that  
24 the Plaintiffs would suffer “substantial prejudice” if the Defendant-Intervenors were permitted 4  
25 days, as provided by the rules, to respond to their motion to enlarge time is patently unreasonable.  
26 Plaintiffs have demonstrated throughout this litigation a willingness and ability to allocate  
27 extraordinary resources to this case. To represent that they could be in danger of not “having  
28

1 sufficient time” to file a motion for attorney’s fees unless Defendant-Intervenors are provided “no  
2 more than 24 hours” to respond to their motion to enlarge time is not credible.

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

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

11 I declare, under penalty of perjury under the laws of the United States, that these facts are true  
12 and correct and that this Declaration is executed this eighteenth day of August, 2010, at  
13 Scottsdale, Arizona.

14 DATED: August 18, 2010

15 /s/ Brian W. Raum  
16 Brian W. Raum