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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
 ENLARGE 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
11 Defendants,

12 and

13 PROPOSITION 8 OFFICIAL PROPONENTS
14 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
15 MARTIN F. GUTIERREZ, HAK-SHING
16 WILLIAM TAM and MARK A. JANSSON; and
17 PROTECTMARRIAGE.COM –
18 YES ON 8, A PROJECT OF CALIFORNIA
19 RENEWAL,

20 Defendant-Intervenors.

21
22 Additional Counsel for Defendant-Intervenors

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* Admitted *pro hac vice*

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

2 1) I am an attorney in the above-captioned case for Defendant-Intervenors Hollingsworth,
3 Knight, Gutierrez, Jansson, and ProtectMarriage.com (“Proponents”). I make this declaration based
4 on my personal knowledge.

5 2) Plaintiffs and Plaintiff-Intervenors have filed motions to enlarge the time to file their
6 motions for attorney’s fees and costs. *See* Doc #729, Doc #742. Specifically, Plaintiffs and
7 Plaintiff-Intervenors are requesting that the Court delay consideration of attorney’s fees and costs
8 until 30 days after all appeals become final, or in the alternative, within “45 days of the latter of:
9 (A) the entry of an order resolving the instant motion, or (B) the entry of judgment by this Court.”
10 Pl.’s Mot. to Enlarge Time, Doc #729 at 4.

11 3) Proponents oppose this motion because it is at odds with the reasons Rule 54 has a 14-
12 day deadline to submit a motion for attorney’s fees and costs. One of the main purposes of that rule
13 is to “assure that the opposing party is informed of the claim before the time for appeal has
14 elapsed.” Advisory Committee Notes to 1993 Amendments, Fed. R. Civ. P. 54(d)(2)(B). “Prompt
15 filing [also] affords an opportunity for the court to resolve fee disputes shortly after trial, while the
16 services performed are freshly in mind.” *Id.*

17 4) Here, the Governor, the Attorney General, and the County Clerks for Los Angeles and
18 Alameda counties have not yet filed their notice of appeal. They—and the voters who put them in
19 office as well as the legislators who are currently embroiled in a budget stand-off with the
20 Governor—deserve to know before the time to appeal has expired the potential liability they face
21 from attorney’s fees and costs generated by Plaintiffs and Plaintiff-Intervenors. It is those parties,
22 not proponents, that have potential liability for attorney’s fees and costs. Although these parties
23 have not objected to Plaintiffs’ motion to enlarge time, their failure to do so cannot override the
24 clear interests that the State and its People have in making a fully informed decision on whether to
25 appeal.

26 5) It is also important that attorney’s fees and costs be decided at this stage so that the facts
27 and litigation are fresh in the Court’s mind. That policy is even more crucial in complex cases like
28

1 this one, which involves many parties, scores of attorneys, months of attorneys' time, an extensive
2 discovery battle, and a lengthy trial in a high-profile case.

3 6) Moreover, the clear weight of authority is that a mere appeal is insufficient reason to
4 delay consideration of a request for attorney's fees and costs. The small burden imposed on
5 Plaintiffs to file their motion for attorney's fees and costs cannot outweigh Congress's policy
6 reasons for prompt consideration of fee disputes.

7 7) Proponents file contemporaneously with this declaration a memorandum of law in
8 opposition to Plaintiffs and Plaintiff-Intervenors' motions.

9 I declare, under penalty of perjury under the laws of the United States, that these facts are
10 true and correct and that this Declaration is executed this 23rd day of August, 2010, at Scottsdale,
11 Arizona.

12
13 DATED: August 23, 2010

14 ALLIANCE DEFENSE FUND
15 ATTORNEYS FOR DEFENDANT-INTERVENORS
16 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
17 MARTIN F. GUTIERREZ, MARK A. JANSSON, AND
18 PROTECTMARRIAGE.COM – YES ON 8, A PROJECT
19 OF CALIFORNIA RENEWAL

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21 By: /s/ Brian W. Raum
22 Brian W. Raum
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