

1 David E. Bunim (SBN 44185)
 2 HAAS & NAJARIAN, LLP
 3 58 Maiden Lane, Second Floor
 4 San Francisco, CA 94108
 5 Telephone: 415.788.6330
 6 Facsimile: 415.391.0555

7
 8 Attorneys for Respondent
 9 Bill Criswell

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 KRISTIN M. PERRY, et al.,
 14 Plaintiffs,
 15 vs.
 16 ARNOLD SCHWARZENEGGER, et al.,
 17 Defendants.

Case No. 09-CV-2292 VRW

**DECLARATION OF DAVID E. BUNIM IN
 SUPPORT OF APPLICATION FOR
 ORDER SHORTENING TIME**

18 I, Dave E. Bunim, hereby declare as follows:

19 1. I am a partner with the law firm of Haas & Najarian LLP, counsel for Respondent
 20 Bill Criswell. I have personal knowledge of the facts stated herein and if called upon to testify
 21 thereto can and will competently do so.

22 2. This Declaration is submitted in support of Bill Criswell's Application for an Order
 23 Shortening Time filed herewith to have his Motion to Quash heard by this Court on

_____.

24 3. On December 23, 2009, during the holiday season, Bill Criswell was served with a
 25 Subpoena to Appear and Testify at trial in this matter, currently set to begin on January 11, 2010.

26 4. I filed a Motion to Quash as soon as practicable after determining the need therefore,
 27 but could not obtain a hearing date prior to commencement of trial given the timing of the service of
 28 the subpoena and the notice requirement of Local Rule 7-2(a).

1 5. A hearing before this Court on shortened time is necessary because trial is set for
2 January 11, 2010, and it is imperative that Respondent obtain a determination by the Court as soon
3 as possible as to whether it will grant his motion to quash, so that all parties may prepare
4 accordingly.

5 6. On January 5, 2010, at approximately 5:50 p.m., I notified Enrique A. Monagas of
6 Gibson Dunn & Crutcher LLP, counsel for the Plaintiffs who issued the subpoena, that Respondent
7 would be filing this application for an order shortening time for the hearing on the motion.
8 Plaintiffs' counsel has not returned my call and therefore has not agreed nor refused to have this
9 matter heard on shortened time.

10 7. The undersigned hereby certifies that this application is made in good faith and for
11 good cause.

12 I declare under penalty or perjury under the laws of the State of California that the foregoing
13 is true and correct.

14 Dated: January 6, 2010

_____/s/_____

David E. Bunim

15
16
17 N:\CLIENTS\52\5294\002\Application for OST-DEB dec.doc
18
19
20
21
22
23
24
25
26
27
28