

COOPER AND KIRK, PLLC
Charles J. Cooper (DC Bar No. 248070)*
ccooper@cooperkirk.com
David H. Thompson (DC Bar No. 450503)*
dthompson@cooperkirk.com
Howard C. Nielson, Jr. (DC Bar No. 473018)*
hnielson@cooperkirk.com
Peter A. Patterson (Ohio Bar No. 0080840)*
ppatterson@cooperkirk.com
1523 New Hampshire Ave. N.W., Washington, D.C. 20036
Telephone: (202) 220-9600, Facsimile: (202) 220-9601

LAW OFFICES OF ANDREW P. PUGNO
Andrew P. Pugno (CA Bar No. 206587)
andrew@pugnotlaw.com
101 Parkshore Drive, Suite 100, Folsom, California 95630
Telephone: (916) 608-3065, Facsimile: (916) 608-3066

ALLIANCE DEFENSE FUND
Brian W. Raum (NY Bar No. 2856102)*
braum@telladf.org
James A. Campbell (OH Bar No. 0081501)*
jcampbell@telladf.org
15100 North 90th Street, Scottsdale, Arizona 85260
Telephone: (480) 444-0020, Facsimile: (480) 444-0028

ATTORNEYS FOR DEFENDANT-INTERVENORS DENNIS HOLLINGSWORTH,
GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A
PROJECT OF CALIFORNIA RENEWAL

* Admitted *pro hac vice*

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

KRISTIN M. PERRY, SANDRA B. STIER,
PAUL T. KATAMI, and JEFFREY J.
ZARRILLO,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND
G. BROWN, JR., in his official capacity as
Attorney General of California; MARK B.
HORTON, in his official capacity as Director of
the California Department of Public Health and
State Registrar of Vital Statistics; LINETTE
SCOTT, in her official capacity as Deputy
Director of Health Information & Strategic

CASE NO. 09-CV-2292 VRW

**DECLARATION IN SUPPORT OF
DEFENDANT-INTERVENORS'
MOTION FOR ADMINISTRATIVE
LEAVE TO EXCEED PAGE
LIMITATIONS**

Date: October 14, 2009

Time: 10:00 a.m.

Judge: Chief Judge Vaughn R. Walker

Location: Courtroom 6, 17th Floor

Planning for the California Department of Public Health; PATRICK O'CONNELL, in his official capacity as Clerk-Recorder for the County of Alameda; and DEAN C. LOGAN, in his official capacity as Registrar-Recorder/County Clerk for the County of Los Angeles,

Defendants,

and

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

Defendant-Intervenors.

Additional Counsel for Defendant-Intervenors

ALLIANCE DEFENSE FUND
Timothy Chandler (CA Bar No. 234325)
tchandler@telladf.org
101 Parkshore Drive, Suite 100, Folsom, California 95630
Telephone: (916) 932-2850, Facsimile: (916) 932-2851

Jordan W. Lorence (DC Bar No. 385022)*
jlorence@telladf.org
Austin R. Nimocks (TX Bar No. 24002695)*
animocks@telladf.org
801 G Street NW, Suite 509, Washington, D.C. 20001
Telephone: (202) 393-8690, Facsimile: (202) 347-3622

* Admitted *pro hac vice*

I, Nicole Jo Moss, pursuant to Civil Local Rule 7-11(a), declare as follows in support of Defendant-Intervenors' ("the Proponents") Motion to Exceed Page Limitations.

1. Although counsel for Proponents reached out by phone and email on September 9, 2009 to the other parties in this case in an effort to reach a stipulated agreement allowing the additional pages requested in Proponents' Motion to Exceed Page Limitations, not all parties would agree. Specifically, counsel for the County of Los Angeles, counsel for the Administration Defendants,

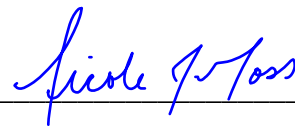
and counsel for the Alameda County Clerk-Recorder all indicated they have no objection to this motion. Counsel for the Attorney General takes no position on Proponents' Motion. Counsel for Plaintiffs and counsel for Plaintiff-Intervenors, the City and County of San Francisco, however, have indicated their objection to Proponents' proposal to exceed the page limitations and submit a 100 page Summary Judgment Brief.

2. Proponents have attached as an exhibit to their Motion to Exceed Page Limitations a copy of their proposed Summary Judgment Brief and have asked the Court to deem it filed as of today, September 9, 2009. In support of this request, I note the following:

i. As articulated in Proponents' Motion to Exceed Page Limitations, this case is of momentous importance: at stake is the constitutionality of Proposition 8, an amendment to the California Constitution reestablishing the traditional definition of marriage as the union of a man and a woman. A ruling invalidating Proposition 8 would no doubt likewise doom similar provisions governing the institution of marriage in 43 other states and the federal government. The Court has already recognized that this case touches on "serious questions" that demand careful consideration. Failure to grant Proponents' motion for an enlargement of the page limit will deprive the Court of valuable legal argument and analysis of the indisputably important issues in this case.

ii. No party will be prejudiced by the request to deem the brief filed as of today because every party will have been served with a copy of the Proponents' summary judgment motion as an exhibit to Proponents' Motion to Exceed Page Limitations.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed in Michigan on September 9, 2009.



Nicole Jo Moss, Esq.