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11 Counsel for Objector DOUG SWARDSTROM

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION  
 16

17 KRISTIN M. PERRY, et al., ) No. 3:09-cv-02292-VRW  
 )  
 18 Plaintiffs, )  
 )  
 19 and ) **DECLARATION OF JAMES BOPP, JR.**  
 ) **IN SUPPORT OF OBJECTOR DOUG**  
 ) **SWARDSTROM'S ADMINISTRATIVE**  
 20 CITY AND COUNTY OF SAN FRANCISCO, ) **MOTION TO PERMIT OUT-OF-STATE**  
 ) **COUNSEL TO APPEAR BY TELEPHONE**  
 21 Plaintiff-Intervenor, ) **AT HEARING ON PLAINTIFFS' MOTION**  
 ) **TO COMPEL**  
 22 v. ) **[Civil L.R. 7-11]**  
 )  
 23 ARNOLD SCHWARZENEGGER, et al., )  
 )  
 24 Defendants, )  
 )  
 25 and )  
 )  
 26 PROPOSITION 8 OFFICIAL PROPONENTS ) Hearing Date: January 6, 2010  
 DENNIS HOLLINGSWORTH, et al., ) Hearing Time: 10:00 a.m.  
 27 ) Courtroom: 6 (17th Floor)  
 Defendant-Intervenors. ) Judge: Hon. Vaughn R. Walker  
 28 )

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1 I, James Bopp, Jr., declare as follows:

2 1. I make this declaration in support of Objector Doug Swardstrom’s Administrative  
3 Motion to Permit Out-of-State Counsel to Appear by Telephone at Hearing on Plaintiffs’ Motion  
4 to Compel, filed concurrently herewith. I make the statements of fact in this declaration of my  
5 own personal knowledge. If called as a witness in this proceeding, I could and would competently  
6 testify to the facts set forth herein.

7 2. I am Mr. Swardstrom’s principal counsel, and I desire to present argument on his  
8 behalf at the hearing on Plaintiffs’ motion to compel Mr. Swardstrom’s compliance with a depo-  
9 sition subpoena.

10 3. On Monday, January 4, 2010, the Court set that hearing for Wednesday, January 6,  
11 2010, at 10:00 a.m. I learned of the newly set hearing date at approximately 7:00 p.m. Eastern  
12 time on Monday the 4th.

13 4. Given such short notice, neither I nor any of my law firm colleagues was able to  
14 make arrangements to travel to San Francisco from our offices in Terre Haute, Indiana to appear  
15 in person at the hearing.

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct. Executed on January 5, 2010.

18 /s/ James Bopp, Jr.  
19 James Bopp, Jr.

20 (The filer of this document hereby attests that  
21 concurrence in the filing of this document has  
22 been obtained from the signatory above.)  
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