	Case3:09-cv-02292-VRW Docume	ent407-3	Filed01/11/10	Page1 of 4
1 2 3	BRIAN R. CHAVEZ-OCHOA CALIFORNIA STATE BAR # 190289 CHAVEZ-OCHOA LAW OFFICES, INC. 4 JEAN STREET, SUITE 4 VALLEY SPRINGS, CALIFORNIA 95252 (209) 772-3013, FAX (209) 772-3090 VINCENT P. MCCARTHY, SR. COUNSEL CONNECTICUT STATE BAR # 100195 AMERICAN CENTER FOR LAW AND JUSTICE, NE 11 W. CHESTNUT HILL ROAD LITCHFIELD, CT 06759 (860) 567-9485, FAX (860) 567-9513 *Motion for Admission Pro Hac Vice Pending* Attorneys for Non-Party Dr. Jim Garlow and Non-Party Pastor Miles McPherson			
4				
5				
6				
7				
8				
9				
10	UNITED STATES DISTRICT COURT			
11				
12	NORTHERN DISTRICT OF CALIFORNIA			
13	KRISTEN M. PERRY, et al.,	Case No	.: 3:09-cv-02292	
14	Plaintiffs,)		RIAN R. CHAVEZ-
15	and	OCHO A	A IN SUPPORT	
16	CITY AND COUNTY OF SAN	TO SHORTEN TIME		
17	Plaintiff-Intervenor,) Trial Da	te: January 11,	2010
18	vs.)		
19	ARNOLD SCHWARZENEGGER, et al.,)		
20	Defendants)		
21	and)		
22	PROPOSITION 8 OFFICIAL PROPONENTS)		
23	Defendant –Intervenors.)		
24	I, Brian R. Chavez-Ochoa, hereby declare:			
25 26				
26 27				
27	been subpoenaed to testify in the subject case.			
28				
	1			
	09-CV-2292 VRW Declaration in Support of Motion to Shorten Time			

T

2. I have personal knowledge of the matters set forth herein and, if called on to testify, I could and would competently testify thereto.

3. On behalf of Miles McPherson, I filed a Motion to Quash Subpoena and For Protective Order today in this action.

4. In accordance with Local Rule 7-2(a) a 35 day notice is required which would put the hearing on his Motion to Quash and For Protective Order at March 2nd, allowing for weekends and the Presidents' Day holidays. Since the trial is scheduled to start on today, Monday January 11th and Mr. McPherson could be called as a witness as early as Wednesday January 13th it would be beneficial to all parties to have Mr. McPherson's Motion to Quash Subpoena and For Protective Order heard as soon as possible.

5. Therefore it is requested that a hearing on the subject motion be held prior to Mr.McPherson being called to testify or as soon as reasonably possible.

6. It is also requested that the time for briefing be shortened to expedite the court's consideration of this matter.

7. Counsel has not previously requested an expedited hearing, but he has asked counsel for Plaintiffs when Mr. McPherson will be called to testify. Counsel for Plaintiffs could give counsel no answer, other than not in the first two days of the trial.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 8, 2010, at Valley Springs, California, County of Calaveras.

<u>/S/ Brian R. Chavez-Ochoa</u> Brian R. Chavez-Ochoa CHAVEZ-OCHOA LAW OFFICES, INC. Attorney for Non-Party Dr. Jim Garlow and Non-Party Pastor Miles McPherson 4 Jean Street, Suite 4 Valley Springs, CA 95252

2

09-CV-2292 VRW Declaration in Support of Motion to Shorten Time

4

5

6

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of <u>Declaration of Brian R. Chavez-Ochoa in Support of Motion to Shorten Time</u> was served on all parties required to be served this 11th day of January, 2010, by the following methods and addressed as follows:

By ELECTRONIC SERVICE:

Elizabeth O. Gill 7 Alan Lawrence Schlosser 8 Kevin Trent Snider Jennifer Lynn Monk 9 Robert Henry Tyler Gordon Bruce Burns 10 Tamar Pachter 11 Rena M. Lindevaldsen Mary Elizabeth McAlister 12 Jesse Panucio 13 Eric Brianna Bernstein Danny Yeh Chou 14 Ronald P. Flynn Christine Van Aken 15 David E. Bunim James J. Brosnahan 16 Tobias Barrington Wolff 17 James A. Campbell Timothy D. Chandler 18 Charles J. Cooper Jordan W. Lorence 19 Howard C. Neilson, Jr. 20 Austin R. Nimocks Peter A. Patterson 21 Andrew Perry Pugno Brian E. Raum 22 David H. Thompson 23 Kenneth C. Mennemieier Andrew Walter Stroud 24 Richard J. Bettan David Boies 25 26 ///

27

28

(Signature of Following Page)

Theodore J. Boutrous, Jr. Ethan D. Dettmer Christopher Dean Dusseault Jeremy Michael Goldman Theane Evengelis Kapur Matthew Dempsey McGill Enrique Antonio Monagas Theodore B. Olson Sarah Elizabeth Piepmeier Josh Schiller Amir Cameron Tayrani Theodore Hideyuki Uno Tara Lynn Borelli Matthew Albert Coles Jon Warren Davison James Dixon Esseks Shannon Minter Jennifer Carol Pizer Alan Lawrence Schlosser Christopher Francis Stoll Ilona Margaret Turner Charles Salvatore LiMandri Judy Whitehurst Thomas R. Burke Claude Franklin Kolm Manuel Francisco Martinez Rosanne C. Baxter Michael W. Kirk Eric Grant Terry Lee Thompson Patrick John Gorman

Respectfully submitted, Signed at Valley Springs, California on January 11, 2010. /S/ Brian R. Chavez-Ochoa Brian R. Chavez-Ochoa CHAVEZ-OCHOA LAW OFFICES, INC. Attorney for Non-Party Dr. Jim Garlow and Non-Party Pastor Miles McPherson 4 Jean Street, Suite 4 Valley Springs, CA 95252 (209) 772-3013 09-CV-2292 VRW Declaration in Support of Motion to Shorten Time