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

20 KRISTIN M. PERRY, *et al.*,
 21 Plaintiffs,
 and
 22 CITY AND COUNTY OF SAN FRANCISCO,
 23 Plaintiff-Intervenor,

v.

24 ARNOLD SCHWARZENEGGER, *et al.*,
 25 Defendants,

26 and
 27 PROPOSITION 8 OFFICIAL PROPONENTS
 DENNIS HOLLINGSWORTH, *et al.*,

28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR SEALING ORDER
 PURSUANT TO CIVIL LOCAL RULES 7-11
 AND 79-5(D)**

Trial Date: January 11, 2010
 Judge: Chief Judge Walker
 Location: Courtroom 6, 17th Floor

NOTICE OF MOTION AND MOTION

Pursuant to Northern District of California Civil Local Rules (“Civil Local Rules”) 7-11 and 79-5(d), and paragraph 10 of the Protective Order entered in this action on January 7, 2010, *see* Doc #361, ¶ 10, Plaintiffs hereby move for administrative relief for a sealing order:

1. Email message from Bill May to Ned Dolejsi, sent on June 25, 2008, with the subject line “Report on Evangelical Teleconference today,” and four (4) attachments, Bates numbered DEFINT_PM_005614 – DEFINT_PM_005662, attached as Exhibit A to the Declaration of Rebecca Justice Lazarus in Support of Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) (“Justice Lazarus Decl.”).

2. Email message from Bill May to Ron Prentice, sent on June 14, 2008, with the subject line “heads up – ‘urgent,’” and two attachments, Bates numbered DEFINT_PM_005767 – DEFINT_PM_005772, attached as Exhibit B to Justice Lazarus Decl.

3. Email message from Kenyn Cureton to ronp@californiafamily.org, sent on August 25, 2008, with the subject line “Stand for Marriage Materials,” and one attachment, Bates numbered DEFINT_PM_005385 – DEFINT_PM_005399, attached as Exhibit C to Justice Lazarus Decl.

Plaintiffs first received these documents from Proponents on January 10, 2010—just one day before the beginning of trial—following this Court’s January 8, 2010, order compelling production on a rolling basis. Doc #372 at 5. Civil Local Rule 79-5(d) provides that: “If a party wishes to file a document that has been designated confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must file and serve an Administrative Motion for sealing order”

Plaintiffs submit this Administrative Motion because they wish to introduce the above-referenced documents received from Proponents as evidence at trial, which has already commenced. Plaintiffs request that, in the event the Court determines that it is not appropriate to file the above-referenced documents under seal, the Court allow Plaintiffs to file the documents in the public record.

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1 Civil Local Rule 79-5(a) prohibits the sealing of documents or information by agreement of
2 the parties, and therefore the parties are unable to enter into such a stipulation pursuant to Civ. Local
3 Rule 7-11(a). Pursuant to Local Rule 79-5(d), Plaintiffs have concurrently lodged the documents
4 referenced herein with the court.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 Plaintiffs first received the documents referenced in this motion from Proponents on January
7 10, 2010—just one day before the beginning of trial—following this Court’s January 8, 2010, order
8 compelling production on a rolling basis. Doc #372 at 5. Civil Local Rule 79-5(d) provides that: “If
9 a party wishes to file a document that has been designated confidential by another party pursuant to a
10 protective order, or if a party wishes to refer in a memorandum or other filing to information so
11 designated by another party, the submitting party must file and serve an Administrative Motion for
12 sealing order”

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14 referenced documents received from Proponents as evidence at trial, which has already commenced.
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16 referenced documents under seal, the Court allow Plaintiffs to file the documents in the public record.

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1 In a concurrently filed Motion to Shorten Time, Plaintiffs further request that the Court rule
2 on the motion to file under seal before the commencement of evidence on January 12, 2010.

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4 Respectfully submitted,

5 DATED: January 12, 2010

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16 By: _____ /s/
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