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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,
and
26 PROPOSITION 8 OFFICIAL PROPONENTS
27 DENNIS HOLLINGSWORTH, *et al.*,
28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

DECLARATION OF REBECCA JUSTICE LAZARUS IN SUPPORT OF PLAINTIFFS' MOTION TO SHORTEN TIME FOR PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL DOCUMENTS PURSUANT TO CIVIL LOCAL RULE 6-3

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

1 I, Rebecca Justice Lazarus, declare as follows:

2 1. I, Rebecca Justice Lazarus, am an attorney at law, duly licensed to practice before all
3 courts of the State of California and before the United States District Court for the Northern District
4 of California. I am an associate with Gibson, Dunn & Crutcher LLP, counsel of record for Plaintiffs
5 in the above-captioned matters. I have personal knowledge of the facts stated herein and could and
6 would testify competently thereto if called upon to do so.

7
8 2. Pursuant to Northern District of California Civil Local Rules (“Civil Local Rules”) 7-
9 11 and 79-5(d), and the Protective Order entered in this action on January 7, 2010, *see* Doc #361,
10 Plaintiffs have concurrently filed a motion for administrative relief to file certain documents, or
11 portions thereof, under seal (“Administrative Motion”) because they have been designated “Highly
12 Confidential” by Proponents:

13
14 3. Plaintiffs have concurrently submitted the Administrative Motion because they wish to
15 introduce these documents received from Proponents as evidence at trial, which has already
16 commenced. Plaintiffs received the documents on January 10, 2010, following this Court’s January
17 8, 2010, order compelling production on a rolling basis. Doc #372 at 5.

18
19 4. Plaintiffs believe that it would be in all parties’ interest to resolve this matter as soon
20 as possible given the ongoing trial and Plaintiffs’ desire to use the document at trial and have filed the
21 Motion to Shorten Time for that reason.

22
23 5. On January 11, 2010, I sent an e-mail to Nicole J. Moss and David Thompason,
24 counsel for Proponents, requesting that Proponents stipulate to a shortened schedule for resolving this
25 question. Specifically, I requested that Proponents stipulate that they would file and serve a
26 declaration with the Court establishing why all or part of the designated information is sealable or
27 withdrawing their designation by no later than January 12, 2010 at 8:00 AM pursuant to Local Rules
28 6-2 and 79-5(d). A true and correct copy of the e-mail is attached hereto as Exhibit A.

Exhibit A

Matsumura, Kaiponanea T

From: Justice Lazarus, Rebecca
Sent: Tuesday, January 12, 2010 8:24 AM
To: Matsumura, Kaiponanea T
Subject: FW: Administrative Motion for a sealing order and Motion to Shorten Time
Attachments: FRC Email to Prentice DEFINT_PM_005300-005399.pdf; Incest as Consequence.pdf; Evangelical Teleconference.pdf; Plaintiffs' Admin. Mot. for Sealing Order.pdf; Decl. of R. Justice Lazarus ISO Admin. Mot. to Seal.pdf; Proposed Order Granting Plaintiffs' Admin. Mot..pdf; Plaintiffs' Mot. to Shorten Time.pdf; Decl. of R. Justice Lazarus ISO Mot. to Shorten Time.pdf; Proposed Order Granting Mot. to Shorten Time.pdf

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From: Justice Lazarus, Rebecca
Sent: Monday, January 11, 2010 9:15 PM
To: dthompson@cooperkirk.com; Nicole Moss
Cc: Boutrous Jr., Theodore J.; Dettmer, Ethan D.
Subject: Administrative Motion for a sealing order and Motion to Shorten Time

Dear Nicole and David,

Pursuant to paragraph 10 of the Protective Order entered by the Court and Local Rule 79-5, I am writing to inform you that Plaintiffs will file with the Court tomorrow an administrative motion for a sealing order. For your convenience, I have attached the draft motion and supporting documents, as well as the documents we will lodge with the court in connection with that motion. The motion reflects that the documents lodged in connection with the administrative motion are documents produced by Proponents and designated "Highly Confidential" under the Protective Order.

We reserve the right to use these newly produced documents in upcoming direct examinations, including Professor Cott.

Given the need for the court to promptly consider this motion in connection with the ongoing trial, we also intend to file a motion to shorten the time within which the administrative motion will be heard pursuant to Local Rule 6-3. That motion and draft supporting documents are also attached. Please let me know as soon as possible if you oppose this motion.

Best regards,

Rebecca Justice Lazarus

Rebecca Justice Lazarus
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