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

18 * Admitted *pro hac vice*

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

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

22 Plaintiffs,

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Plaintiff-Intervenor,

25 v.

26 ARNOLD SCHWARZENEGGER, in his official
 27 capacity as Governor of California; EDMUND G.
 28 BROWN, JR., in his official capacity as Attorney

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS
 PROPOSITION 8 PROPONENTS
 AND PROTECTMARRIAGE.COM'S
 NOTICE OF MOTION TO SHORTEN
 TIME TO HEAR MOTION TO
 EXCLUDE PROPOSED WITNESS
 RYAN KENDALL**

Date: January 15, 2010

Time: 8:30 a.m.

Location: Courtroom 6, 17th Floor

Judge: Chief Judge Vaughn R. Walker

1 General of California; MARK B. HORTON, in his
2 official capacity as Director of the California
3 Department of Public Health and State Registrar of
4 Vital Statistics; LINETTE SCOTT, in her official
5 capacity as Deputy Director of Health Information
6 & Strategic Planning for the California Department
7 of Public Health; PATRICK O'CONNELL, in his
8 official capacity as Clerk-Recorder for the County
9 of Alameda; and DEAN C. LOGAN, in his official
10 capacity as Registrar-Recorder/County Clerk for
11 the County of Los Angeles,

12 Defendants,

13 and

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

21 Defendant-Intervenors.

22 Additional Counsel for Defendant-Intervenors

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* Admitted *pro hac vice*

1 **TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on January 15, 2010, at 8:30 a.m., or as soon thereafter as the
3 matter may be heard, before the Honorable Vaughn R. Walker, United States District Court for the
4 Northern District of California, 450 Golden Gate Avenue, San Francisco, California, Defendant-
5 Intervenors Proposition 8 Proponents Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez,
6 and Mark A. Jansson, and Proposition 8 Campaign Committee ProtectMarriage.com – Yes on 8, a
7 Project of California Renewal, will move this Court for an order shortening the time to hear their
8 Motion to Exclude.

9 Defendant-Intervenors respectfully request an order shortening time on the Motion to
10 Exclude.

11 **ARGUMENT**

12 Pursuant to Civil Local Rule 6-3, Defendant-Intervenors respectfully request the Court to
13 shorten time on their Motion to Exclude Proposed Witness Ryan Kendall. Defendant-Intervenors
14 ask that their Motion to Exclude be considered on January 15, 2010, at 8:30 a.m., or as soon
15 thereafter as reasonably possible. Plaintiffs and Plaintiff-Intervenor have indicated that Mr. Kendall
16 will likely be called to testify on January 15, 2010; thus, time does not permit the usual briefing and
17 hearing schedule on the Motion to Exclude.

18 Prior to December 2009, Plaintiff-Intervenor had never disclosed Mr. Kendall as an
19 individual who might have information relevant to this case. And after Mr. Kendall's name was
20 disclosed as a potential witness in this case, Plaintiff-Intervenor did not produce him for a
21 deposition until January 7, 2010, a mere two business days before trial. The last-minute nature of
22 Mr. Kendall's involvement in this case necessitates shortening the time to hear the accompanying
23 request to exclude his testimony.

24 Defendant-Intervenors have notified the parties about this Motion to Shorten Time and have
25 sought their consent. All the other defendants and defendant-intervenors have indicated that they
26 do not oppose this Motion. Plaintiff-Intervenor, however, does not consent to shorten the time to
27 hear the Motion to Exclude. And as of the filing of this Motion, counsel for Plaintiffs had yet to
28 respond to Defendant-Intervenors' request.

1 **CONCLUSION**

2 In conclusion, Defendant-Intervenors request that the Court grant this Motion to Shorten
3 Time.

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5 Dated: January 14, 2010

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7 COOPER AND KIRK, PLLC
8 ATTORNEYS FOR DEFENDANT-INTERVENORS
9 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,
10 MARTIN F. GUTIERREZ, MARK A. JANSSON, AND
11 PROTECTMARRIAGE.COM – YES ON 8, A PROJECT
12 OF CALIFORNIA RENEWAL

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By: s/Charles J. Cooper
Charles J. Cooper