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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KRISTIN M. PERRY, *et al.*,

Plaintiffs,

and

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff-Intervenor,

v.

ARNOLD SCHWARZENEGGER, *et al.*,

Defendants,

and

PROPOSITION 8 OFFICIAL PROPONENTS DENNIS HOLLINGSWORTH, *et al.*,

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 to file the following documents under seal:

- DEFINT_PM_025241-025242 (Exhibit C to Declaration of Rebecca Justice Lazarus in Support of Plaintiffs' Motion for Leave to Reopen the Deposition of Ronald Prentice in His Personal Capacity and as the Rule 30(b)(6) Representative for ProtectMarriage.com ("Motion to Reopen Deposition of Ronald Prentice"));
- DEFINT_PM_005385-005399 (Exhibit D to Declaration of Rebecca Justice Lazarus in Support of Plaintiffs' Motion to Reopen Deposition of Ronald Prentice);
- DEFINT_PM_013429 (Exhibit F to Declaration of Rebecca Justice Lazarus in Support of Plaintiffs' Motion to Reopen Deposition of Ronald Prentice); and
- DEFINT_PM_005745-005746 (Exhibit H to Declaration of Rebecca Justice Lazarus in Support of Plaintiffs' Motion to Reopen Deposition of Ronald Prentice).

Plaintiffs first received these documents from Proponents between January 10 and January 17, 2010—following this Court's January 8, 2010 order compelling Proponents' production of documents on a rolling basis. Doc #372 at 5. Each of these documents was designated by Proponents as "Highly Confidential – Attorneys' Eyes Only."

Plaintiffs also hereby move for administrative relief to file under seal portions of Plaintiffs' Motion to Reopen Deposition of Ronald Prentice, as it includes descriptions of the documents listed above, which were designated by Proponents as "Highly Confidential-Attorneys' Eyes Only."

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 . . . ." The Rule requires that the designating party file and serve "a declaration with the Court establishing that the designated information is sealable, and must lodge and serve a narrowly tailored sealing order, or must withdraw

the designation of confidentiality" within seven days after the submitting party files its Administrative Motion.

Given the ongoing trial, Plaintiffs request that the Court order that Proponents file and serve the declaration required under Rule 79-5 no later than January 19, 2010 by 12:00 PM and that the Court issue an order concerning the treatment of the documents as soon as possible thereafter.

Plaintiffs submit this Administrative Motion because they wish to file the above-referenced documents in support of their Motion to Reopen the Deposition of Ronald Prentice. 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.

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

In a concurrently filed Motion to Shorten Time, Plaintiffs further request that the Court rule on the motion to file under seal before ruling on its Motion to Reopen Deposition of Ronald Prentice.

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Respectfully submitted,

DATED: January 19, 2010

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By: /s/
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