

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Kristin M. Perry, et al.,

NO. C 09-02292 JW

Plaintiffs,

**ORDER DENYING AS MOOT
DEFENDANT-INTERVENORS’ MOTION
FOR STAY AND MOTION TO SHORTEN
TIME; CONTINUING STAY OF
SEPTEMBER 19, 2011 ORDER**

v.

Arnold Schwarzenegger, et al.,

Defendants.

_____/

Presently before the Court are Defendant-Intervenors’ Motion for Stay¹ and Motion to Shorten Time.² In their Motions, Defendant-Intervenors move the Court to: (1) stay its September 19, 2011 Order³ unsealing the digital recordings of the trial proceedings in this case, pending Defendant-Intervenors’ appeal of that Order to the Ninth Circuit; and (2) decide their Motion to Stay “as soon as possible and no later than September 29, 2011,” because in the absence of a further stay, the September 19 Order will be executed on September 30, 2011, at which point Defendant-Intervenors “will be unable to obtain effective appellate relief.” (Motion to Stay at 1-2; Motion to Shorten Time at 1.)

¹ (Defendant-Intervenors Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Mark A. Jansson, and Protectmarriage.com’s Motion for Stay Pending Appeal, hereafter, “Motion to Stay,” Docket Item No. 816.)


² (Defendant-Intervenors Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Mark A. Jansson, and Protectmarriage.com’s Motion to Shorten Time, hereafter, “Motion to Shorten Time,” Docket Item No. 817.)

³ (Order Granting Plaintiffs’ Motion to Unseal Digital Recording of Trial; Granting Limited Stay, hereafter, “September 19 Order,” Docket Item No. 812.)

1 Upon review, the Court does not find good cause to grant Defendant-Intervenors' Motions,
2 because the Court finds that both Motions are moot. In its September 19 Order, the Court stayed the
3 execution of that Order until September 30, 2011. (September 19 Order at 14.) Further, the Court
4 stated that the Clerk "is ordered to execute" the September 19 Order on September 30, 2011,
5 "[u]nless a further stay is granted by the Court on timely motion or by a higher court." (*Id.*) On
6 September 26, 2011, the Ninth Circuit stayed the Court's September 19 Order "pending
7 consideration of [Defendant-Intervenors'] emergency motion for stay pending appeal."⁴ Thus, the
8 Court's September 19 Order is stayed due to the Ninth Circuit's order.

9 Accordingly, Defendant-Intervenors' Motion to Stay and Motion to Shorten Time are
10 DENIED as moot as it appears that the Ninth Circuit has already stayed the Court's September 19
11 Order.

12
13 Dated: September 27, 2011



JAMES WARE
United States District Chief Judge

14
15
16
17
18
19
20
21
22
23
24
25
26
27 ⁴ See Perry v. Brown, No. 11-17255 (9th Cir. Sept. 26, 2011).

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Alan Lawrence Schlosser aschlosser@aclunc.org
- 3 Amir Cameron Tayrani Atayrani@gibsondunn.com
- 4 Andrew Perry Pugno andrew@pugnotlaw.com
- 5 Andrew Walter Stroud stroud@mgsllaw.com
- 6 Angela Christine Thompson angelathompsonesq@gmail.com
- 7 Austin R. Nimocks animocks@telladf.org
- 8 Brian Ricardo Chavez-Ochoa chavezchoa@yahoo.com
- 9 Brian W Raum braum@telladf.org
- 10 Charles J. Cooper ccooper@cooperkirk.com
- 11 Charles Salvatore LiMandri cslimandri@limandri.com
- 12 Christine Van Aken christine.van.aken@sfgov.org
- 13 Christopher Dean Dusseault cdusseault@gibsondunn.com
- 14 Christopher Francis Stoll cstoll@nclrights.org
- 15 Christopher James Schweickert cjs@wcjuris.com
- 16 Claude Franklin Kolm claude.kolm@acgov.org
- 17 Daniel J. Powell Daniel.Powell@doj.ca.gov
- 18 Danny Yeh Chou danny.chou@sfgov.org
- 19 David Boies dboies@bsfllp.com
- 20 David E. Bunim Dbunim@haasnaja.com
- 21 David H. Thompson dthompson@cooperkirk.com
- 22 David L. Llewellyn Dllewellyn@LS4law.com
- 23 Diana E Richmond drichmond@sideman.com
- 24 Elizabeth O. Gill egill@aclunc.org
- 25 Enrique Antonio Monagas emonagas@gibsondunn.com
- 26 Ephraim Margolin ephraim_margolin@yahoo.com
- 27 Eric Grant grant@hicks-thomas.com
- 28 Eric Alan Isaacson erici@rgrdlaw.com
- Erin Brianna Bernstein Erin.Bernstein@sfgov.org
- Ethan D. Dettmer edettmer@gibsondunn.com
- Gordon Bruce Burns Gordon.Burns@doj.ca.gov
- Herma Hill Kay hkay@law.berkeley.edu
- Holly L Carmichael holly.l.carmichael@gmail.com
- Howard C. Nielson hnielson@cooperkirk.com
- Ilona Margaret Turner iturner@nclrights.org
- James Bopp jboppjr@bopplaw.com
- James A Campbell jcampbell@telladf.org
- James C. Harrison jharrison@rjp.com
- James Dixon Esseks jesseks@aclu.org
- James J. Brosnahan jbroshahan@mofa.com
- Jennifer Carol Pizer jpizer@lambdalegal.org
- Jennifer Lynn Monk jmonk@faith-freedom.com
- Jennifer Lynn Monk jmonk@faith-freedom.com
- Jeremy Michael Goldman jgoldman@bsfllp.com
- Jerome Cary Roth Jerome.Roth@mto.com
- Jesse Michael Panuccio jpanuccio@cooperkirk.com
- John Douglas Freed jfreed@cov.com
- Jon Warren Davidson jdavidson@lambdalegal.org
- Jordan W. Lorence jlorence@telladf.org
- Jose Hector Moreno jhmoreno@jhmlaw.com
- Josh Schiller jischiller@bsfllp.com
- Josh Schiller jischiller@bsfllp.com

28

United States District Court
For the Northern District of California

- 1 Judy Whitehurst jwhitehurst@counsel.lacounty.gov
- Kari Lynn Krogseng krogseng@rjp.com
- 2 Kelly Wayne Kay oakkelly@yahoo.com
- Kevin Trent Snider kevinsnider@pacificjustice.org
- 3 Lauren Estelle Whittemore lwhittemore@fenwick.com
- Leslie A Kramer lkramer@fenwick.com
- 4 Louis P. Feuchtbaum lfeuchtbaum@sideman.com
- Manuel Francisco Martinez manuel.martinez@acgov.org
- 5 Mark Russell Conrad Mark.Conrad@mto.com
- Mary Elizabeth McAlister court@lc.org
- 6 Matthew Albert Coles mcoles@aclu.org
- Matthew Dempsey McGill mmcgill@gibsondunn.com
- 7 Michael Wolf mwolf@nethere.com
- Michael James McDermott mjmlusa@aol.com
- 8 Michael Stuart Wald mwald@stanford.edu
- Patrick John Gorman pgorman@wctlaw.com
- 9 Peter Obstler peter.obstler@bingham.com
- Peter A. Patterson ppatterson@cooperkirk.com
- 10 Peter C Renn prenn@lambdalegal.org
- Richard J. Bettan rbettan@bsflp.com
- 11 Robert Henry Tyler rtyler@faith-freedom.com
- Ronald P. Flynn ronald.flynn@sfgov.org
- 12 Rosanne C. Baxter rbaxter@bsflp.com
- Sarah Elizabeth Piepmeier spiepmeier@gibsondunn.com
- 13 Shannon Minter sminter@nclrights.org
- Stephen V. Bomse sbomse@orrick.com
- 14 Steven Edward Mitchel mitchelsteve@yahoo.com
- Susan Marie Popik spopik@chapop.com
- 15 Tamar Pachter Tamar.Pachter@doj.ca.gov
- Tara Lynn Borelli tborelli@lambdalegal.org
- 16 Terry Lee Thompson tl_thompson@earthlink.net
- Theane Evangelis Kapur tkapur@gibsondunn.com
- 17 Theodore B Olson tolson@gibsondunn.com
- Theodore Hideyuki Uno tuno@bsflp.com
- 18 Theodore J. Boutrous tboutrous@gibsondunn.com
- Thomas R. Burke thomasburke@dwt.com
- 19 Timothy D Chandler tchandler@telladf.org

Dated: September 27, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy

20
21
22
23
24
25
26
27
28