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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,

**JUDGMENT AND AMENDED ORDER
CLOSING CASE**

v.

Arnold Schwarzenegger, et al.,

Defendants.

_____ /

On August 4, 2010, the Court issued an order in this case in which it directed the Clerk to enter judgment in favor of Plaintiffs and Plaintiff-Intervenors and against Defendants and Defendant-Intervenors. (hereafter, “August 4 Order,” Docket Item No. 708 at 136.) On August 12, 2010, the Court issued a further order in which it declined to stay the August 4 Order and directed the Clerk to “enter judgment forthwith.” (See Docket Item No. 727 at 10-11.) The same day, pursuant to the Court’s order, a permanent injunction was entered whereby it was “ordered, adjudged and decreed” that Defendants were permanently enjoined from applying or enforcing Article I, § 7.5 of the California Constitution. (See Docket Item No. 728 at 2.) However, no separate Judgment was issued.¹

On August 4, 2010, Defendant-Intervenors appealed the Court’s August 4 Order, along with prior interlocutory orders of the Court. (Docket Item No. 713.) On April 25, 2011, while their appeal was pending, Defendant-Intervenors filed a motion before this Court seeking to vacate the “final judgment . . . and all orders entered by this Court” pursuant to Fed. R. Civ. P. 62.1. (See

¹ See Fed. R. Civ. P. 58(a) (stating that, with certain exceptions, “[e]very judgment and amended judgment must be set out in a separate document”).

1 Docket Item No. 768 at 1.) On June 14, 2011, the Court issued an order denying that motion to
2 vacate judgment. (See Docket Item No. 797.)

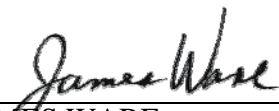
3 Recently, upon review of the docket, the Court observed that because a separate Judgment
4 was never issued, the case has not been closed. Thus, on August 27, 2012, the Court issued an
5 Order Closing Case. (See Docket Item No. 842.) Subsequently, the parties informed the Court that
6 the August 27 Order requires modification because it incorrectly names certain parties.

7 Accordingly, in light of the procedural history and orders discussed above, judgment is
8 hereby entered in favor of: (1) Plaintiffs Kristin M. Perry; Sandra B. Stier; Paul T. Katami; and
9 Jeffrey J. Zarrillo; and (2) Plaintiff-Intervenor City and County of San Francisco and against: (1)
10 Defendants Arnold Schwarzenegger; Edmund G. Brown, Jr.; Mark B. Horton; Linette Scott; Patrick
11 O’Connell; Dean C. Logan; Kamala D. Harris; and Howard Backer; and (2) Defendant-Intervenors
12 Dennis Hollingsworth; Gail J. Knight; Martin F. Gutierrez; Hak-Shing William Tam; Mark A.
13 Jansson; and ProtectMarriage.com.

14 This Judgment is entered *nunc pro tunc* to August 12, 2010, the date on which the Court
15 directed that judgment be entered “forthwith.”

16 The Clerk shall close this file.

17
18 Dated: August 29, 2012



JAMES WARE
United States District Chief Judge

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

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Dated: August 29, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
William Noble
Courtroom Deputy