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15 Lavender Seniors of the East Bay; and Parents, Families, and Friends of Lesbians and Gays

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

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

19 Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND G.
22 BROWN, JR., in his official capacity as Attorney
General of California; MARK B. HORTON, in his
23 official capacity as Director of the California
Department of Public Health and State Registrar of
24 Vital Statistics; LINETTE SCOTT, in her official
capacity as Deputy Director of Health Information
25 & Strategic Planning for the California Department
of Public Health; PATRICK O'CONNELL, in his
26 official capacity as Clerk-Recorder for the County
of Alameda; and DEAN C. LOGAN, in his official
27 capacity as Registrar-Recorder/County Clerk for the
County of Los Angeles,

28 Defendants, and

CASE NO. 09-CV-2292 VRW

**DECLARATION OF ELIZABETH GILL
IN SUPPORT OF MOTION TO
SHORTEN TIME**

The Honorable Chief Judge Vaughn R. Walker

Trial Date: Not Set

1 and

2 Proposition 8 Official Proponents Dennis
3 Hollingsworth, Gail J. Knight, Martin F. Gutierrez,
4 Hakshing William Tam, and Mark A. Jansson; and
ProtectMarriage.com – Yes on 8, a Project of
California Renewal,

5 Defendant-Intervenors.

6
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16 JAMES D. ESSEKS (SBN 159360)
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1 I, Elizabeth Gill, a Staff Attorney at the American Civil Liberties Union of Northern
2 California (“ACLU-NC”), have personal and first-hand knowledge of the facts set forth in this
3 Declaration and, if called as a witness, I could and would testify competently these facts under oath.

4 1. On behalf of Our Family Coalition, Lavender Seniors of the East Bay, and Parents,
5 Families, and Friends of Lesbians and Gays (collectively, “Proposed Intervenors”), ACLU-NC, along
6 with Lambda Legal Defense and Education Fund, Inc. and the National Center for Lesbian Rights,
7 today filed a Motion to Intervene in this action.

8 2. Upon learning through the Court’s June 30, 2009 Order and the July 2, 2009 case
9 management conference of the possible need for evidentiary presentations concerning certain factual
10 issues of enormous importance to Proposed Intervenors and their members and to the lesbian, gay,
11 bisexual and transgender community generally, Proposed Intervenors filed their motion to intervene
12 as soon as reasonably practicable.

13 3. According to the schedule for Chief Judge Walker posted online, the first available
14 law and motion hearing date is September 3, 2009. Also according to the schedule posted online,
15 Judge Walker is unavailable from July 20, 2009 through July 24, 2009.

16 4. Proposed Intervenors seek to intervene in this action in part based on their and their
17 counsel’s experience and expertise on the factual issues presented in the case. Their exclusion from
18 the parties’ preparation of a joint case management conference statement, due on August 7, 2009, and
19 from a second case management conference set for August 19, 2009, would compromise their ability
20 to participate effectively in the action.

21 5. In order to be able to participate fully in the parties’ August 7, 2009 joint case
22 management conference, Proposed Intervenors request in their Motion to Shorten Time the following
23 expedited schedule for opposition to and hearing on the Motion to Intervene: any opposition to the
24 Motion to Intervene must be filed no later than July 14, 2009; a reply, if any, in support of the Motion
25 to Intervene must be filed no later than July 16, 2009; and a hearing on the Motion to Intervene set
26 for July 17, 2009, or on such other date as the Court may set (hereinafter “Expedited Schedule”).

27 6. On July 7, 2009, Mark Rosenbaum, Legal Director of the ACLU of Southern
28 California, contacted counsel for Plaintiffs Theodore Boutros and sought the consent of Plaintiffs

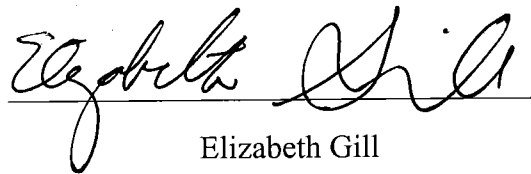
1 both on the Motion to Intervene and the Expedited Schedule. On July 8, 2009, I am informed and
2 believe that a colleague of Mr. Boutros's contacted Mr. Rosenbaum and informed him that Plaintiffs
3 would oppose the Motion to Intervene, and that they were not taking a position on the Expedited
4 Schedule until they had seen the Motion.

5 7. On July 7, 2009, Mr. Rosenbaum contacted counsel for Defendant-Intervenors Charles
6 Cooper and sought the consent of Defendants Intervenors both on the Motion to Intervene and the
7 Expedited Schedule. Counsel for Defendant-Intervenors indicated that Defendant-Intervenors would
8 oppose the Motion to Intervene, and he also said indicated that he could not consent to the Expedited
9 Schedule but that he would propose an alternative schedule.

10 8. On July 8, 2009, Jennifer Pizer, National Marriage Project Director of Lambda Legal
11 Defense and Education Fund, Inc., contacted Tamar Pachter, Deputy Attorney General, counsel for
12 Defendant Attorney General Edmund G. Brown and sought the consent of the Attorney General both
13 on the Motion to Intervene and the Expedited Schedule. Counsel for Defendant Attorney General
14 Edmund G. Brown responded that she would communicate our request to her colleagues and provide
15 a response as soon as practicable.

16 9. On July 8, 2009, Ms. Pizer contacted Kenneth C. Mennemeier, counsel for Defendant
17 Governor Arnold Schwarzenegger, and sought the consent of the Administration on both on the
18 Motion to Intervene and the Expedited Schedule. Counsel for Defendant Governor Arnold
19 Schwarzenegger responded that he would communicate our request to the Administration and advise
20 us upon receiving the Administration's response.

21
22 I declare under penalty of perjury under the laws of the United States that the foregoing is true
23 and correct. Executed in San Francisco, California on July 8, 2009.

24
25 
26 Elizabeth Gill