

1 Linda Lye (CA SBN 215584)
llye@aclunc.org
2 AMERICAN CIVIL LIBERTIES UNION
3 FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
4 San Francisco, CA 94111
Tel: (415) 621-2493
5 Fax: (415) 255-8437

6 Attorneys for Amicus Curiae American
7 Civil Liberties Union of Northern California

8
9 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 Kristin M. Perry, et al.,) Case No. 09-cv-2292
13)
Plaintiffs,)
14) DECLARATION OF LINDA LYE IN
v.) SUPPORT OF MOTION FOR
15) LEAVE TO FILE AMICUS BRIEF IN
16) SUPPORT OF MOTION TO
Edmund G. "Jerry" Brown, Jr., Governor of) UNSEAL
17 California,)
18)
Defendant.)

1 I, Linda Lye, state:

2 1. I am a Senior Staff Attorney with the American Civil Liberties Union Foundation of
3 Northern California. I am counsel for amicus American Civil Liberties Union of Northern California
4 (“ACLU-NC”). I have personal knowledge of the matters stated in this declaration and could
5 competently testify to them as a witness.

6 2. The ACLU-NC is a nonprofit, nonpartisan civil liberties organization founded in 1934
7 with approximately 158,000 members dedicated to the principles of liberty and equality embodied in
8 both the United States and California Constitutions. For more than 75 years, the ACLU-NC has
9 worked to promote free-speech and open government through litigation and other advocacy.

10 3. On May 17, 2017, I wrote via electronic mail to Charles Cooper, lead counsel for the
11 proponents of Proposition 8 in this matter. I asked if Mr. Cooper’s clients would be willing to
12 stipulate to, or at a minimum, not oppose the ACLU-NC’s filing of an amicus brief in support of
13 KQED, Inc.’s motion to unseal the audio visual recording of the Proposition 8 trial.

14 4. On May 18, 2017, Charles Cooper responded via electronic mail stating that
15 proponents do not oppose the ACLU-NC’s filing of an amicus brief in support of KQED, Inc.’s
16 motion to unseal the audio visual recording of the Proposition 8 trial.

17 5. Attached as Exhibit A is a true and correct copy of my email correspondence with Mr.
18 Cooper.

19 I declare under penalty of perjury under the laws of the State of California and the United
20 States that the foregoing is true and correct and that this declaration was executed this 19th day of
21 May, 2017, at San Francisco, California.

22 Dated: May 19, 2017

Respectfully Submitted,

23 By: /s/ Linda Lye

24 Linda Lye

EXHIBIT A

Veronica Ramirez

From: Chuck Cooper <cocooper@cooperkirk.com>
Sent: Thursday, May 18, 2017 2:38 PM
To: Linda Lye
Cc: David Thompson; Pete Patterson
Subject: RE: Prop 8 Trial Video unsealing issue

Ms. Lye,

Thank you for your email. Proponents do not oppose an amicus brief on behalf of the ACLU of Northern California filed by May 24, 2017, as you propose. We trust that ACLU of Northern California will not oppose a motion by Proponents for additional pages if we determine that it is warranted to respond to KQED's amicus brief.

Kind regards,

Chuck

From: Linda Lye [mailto:llye@aclunc.org]
Sent: Wednesday, May 17, 2017 4:17 PM
To: Chuck Cooper <cocooper@cooperkirk.com>
Subject: Prop 8 Trial Video unsealing issue

Dear Mr. Cooper, As you know, KQED, Inc. has filed a motion to unseal the audio visual recording of the Prop 8 trial. The court has set a briefing schedule and hearing date on the motion, and responses to the motion are due on May 31, 2017, with the hearing set for argument at 2 pm on June 28, 2017. The American Civil Liberties Union of Northern California would like to file a motion for leave to file an amicus brief and an amicus brief in support of KQED's motion to unseal, and we were hoping to get it on file early next week, but no later than May 24, 2017, which would be one week before any response is due.

Would your clients be willing to stipulate to the filing of an amicus brief or at a minimum, not oppose the motion for leave to file an amicus brief?

I would appreciate a reply by noon Pacific Time on Friday May 19, 2017.

Kind regards,

Linda Lye

Linda Lye
Senior Staff Attorney
ACLU Foundation of Northern California
39 Drumm Street
San Francisco, California 94111
tel. (415) 621-2493
fax. (415) 255-8437

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.