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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,

**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.

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13 Dated: September 27, 2011



JAMES WARE
United States District Chief Judge

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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 jbrosnahan@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

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23
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25
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