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Kristin M. Perry, Sandra B. Stier,  
16 Paul T. Katami, and Jeffrey J. Zarrillo

17 [Additional counsel listed on signature page]

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, *et al.*,  
21 Plaintiffs,  
22 and  
CITY AND COUNTY OF SAN FRANCISCO,  
23 Plaintiff-Intervenor,  
24 v.  
25 ARNOLD SCHWARZENEGGER, *et al.*,  
Defendants,  
26 and  
27 PROPOSITION 8 OFFICIAL PROPONENTS  
DENNIS HOLLINGSWORTH, *et al.*,  
28 Defendant-Intervenors.

CASE NO. 09-CV-2292 JW  
**JOINT STATUS STATMENT**  
Hon: Chief Judge James Ware

1 Pursuant to this Court’s March 2, 2011 Reassignment Order, Doc #765, the parties in the  
2 above-entitled action jointly submit this Joint Status Statement.

3 **I. PROCEDURAL HISTORY**

4 On May 22, 2009, Plaintiffs Kristin M. Perry, Sandra B. Stier, Paul T. Katami, and Jeffrey J.  
5 Zarrillo (“Plaintiffs”) filed the complaint. Doc #1. Plaintiffs challenged the constitutionality of  
6 California’s Proposition 8 under the Due Process and Equal Protection Clauses of the Fourteenth  
7 Amendment, and named as defendants California’s Governor, Attorney General, Director of Public  
8 Health, and Deputy Director of Health Information and Strategic Planning; the Alameda County  
9 Clerk-Recorder; and the Los Angeles County Registrar-Recorder/County Clerk (collectively,  
10 “Defendants”). *Id.*

11 On May 28, 2009, Defendant-Intervenors Proposition 8 Official Proponents Dennis  
12 Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson;  
13 and ProtectMarriage.com – Yes on 8, A Project of California Renewal (“Defendant-Intervenors”)  
14 moved to intervene in the case to defend Proposition 8, Doc #8, and this Court granted their motion  
15 on June 30, 2009. Doc #77. In August 2009, the City and County of San Francisco (“Plaintiff-  
16 Intervenor”) was also granted leave to intervene in the case. Doc #160.

17 On July 2, 2009, this Court denied Plaintiffs’ motion for a preliminary injunction. Doc #154.  
18 On October 14, 2009, this Court denied Defendant-Intervenors’ motion for summary judgment.  
19 Doc #226. From January 11 to January 27, 2010, this Court conducted a twelve-day bench trial.  
20 Doc #690. Closing arguments were held on June 16, 2010. *Id.* On August 4, 2010, this Court  
21 ordered entry of judgment in favor of Plaintiffs and Plaintiff-Intervenor and against Defendants and  
22 Defendant-Intervenors. Doc #708. A permanent injunction enjoining “Defendants in their official  
23 capacities, and all persons under the control or supervision of defendants . . . from applying or  
24 enforcing Article I, § 7.5 of the California Constitution [Proposition 8]” was entered on August 12,  
25 2010. Doc #728. Defendant-Intervenors’ motion to stay judgment pending appeal, Doc #705, was  
26 denied by this Court on August 12, 2010.<sup>1</sup> Doc #727. On August 16, 2010, the Ninth Circuit entered

27  
28 <sup>1</sup> Defendant-Intervenor Hak-Shing William Tam did not appeal this Court’s judgment and was  
not a movant in the motion for a stay pending appeal.

1 a stay of the judgment pending appeal. Doc #751. On August 24, 2010, this Court granted Plaintiffs’  
2 and Plaintiff-Intervenor’s motion to enlarge time to file a motion for attorney fees and costs, ordering  
3 that that “any motion for fees and costs pursuant to FRCP 54(d) shall be filed not later than thirty  
4 days after all appeals of the August 12, 2010 judgment, Doc #728, are final.” Doc #744.

5 On February 23, 2011, Plaintiffs moved to vacate the stay pending appeal in the Ninth Circuit.  
6 Plaintiff-Intervenor joined Plaintiffs’ motion on February 24, 2011. On March 7, 2011, Defendant-  
7 Intervenor Hollingsworth, Knight, Gutierrez, Jansson, and ProtectMarriage.com filed an opposition.  
8 As of March 14, 2011, the Ninth Circuit has not ruled on Plaintiffs’ motion to vacate the stay pending  
9 appeal.

10 **II. CASE STATUS**

11 The case is currently on appeal before the United States Court of Appeals for the Ninth  
12 Circuit, and this Court’s judgment is stayed pending the outcome of that appeal. Thus, no action is  
13 required by this Court at this time.

14 Respectfully submitted,

15 DATED: March 14, 2011

GIBSON, DUNN & CRUTCHER LLP

17 By: \_\_\_\_\_ /s/  
18 Theodore B. Olson

19 and

20 BOIES, SCHILLER & FLEXNER LLP

21 David Boies

22 Attorneys for Plaintiffs  
23 KRISTIN M. PERRY, SANDRA B. STIER,  
24 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

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1 DATED: March 14, 2011

OFFICE OF THE CITY ATTORNEY

2  
3 By: \_\_\_\_\_ /s/  
4 Therese M. Stewart

5 Attorneys for Plaintiff-Intervenor  
6 CITY AND COUNTY OF SAN FRANCISCO

7 DATED: March 14, 2011

COOPER AND KIRK, PLLC

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9 By: \_\_\_\_\_ /s/  
10 David Thompson

11 Attorneys for Defendant-Intervenors  
12 PROPOSITION 8 OFFICIAL PROPONENTS  
13 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT,  
14 MARTIN F. GUTIERREZ, and MARK A. JANSSON;  
and PROTECTMARRIAGE.COM – YES ON 8,  
A PROJECT OF CALIFORNIA RENEWAL

15 DATED: March 14, 2011

LAW OFFICE OF TERRY L. THOMPSON

16  
17 By: \_\_\_\_\_ /s/  
18 Terry L. Thompson

19 Attorneys for Defendant-Intervenor  
20 HAK-SHING WILLIAM TAM

21 DATED: March 14, 2011

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ATTORNEY GENERAL OF CALIFORNIA

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24 By: \_\_\_\_\_ /s/  
25 Tamar Pachter  
Deputy Attorney General

26 Attorneys for Defendant  
27 ATTORNEY GENERAL KAMALA D. HARRIS  
28

1 DATED: March 14, 2011

MENNEMEIER, GLASSMAN & STROUD LLP

2  
3 By: \_\_\_\_\_ /s/  
4 Andrew W. Stroud

5 Attorneys for Defendants  
6 EDMUND G. BROWN JR.,  
7 MARK B. HORTON, and LINETTE SCOTT  
(the "Administration Defendants")

8 DATED: March 14, 2011

RICHARD E. WINNIE, County Counsel in and  
for the County of Alameda, State of California

9  
10  
11 By: \_\_\_\_\_ /s/  
12 Claude F. Kolm,  
Deputy County Counsel

13 Attorneys for Defendant  
14 PATRICK O'CONNELL,  
Alameda County Clerk-Recorder

15 DATED: March 14, 2011

16 THE OFFICE OF COUNTY COUNSEL

17  
18 By: \_\_\_\_\_ /s/  
19 Judy Whitehurst

20 Attorneys for Defendant  
21 DEAN C. LOGAN,  
Recorder/County Clerk for the County of Los Angeles

**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: /s/ Enrique A. Monagas  
Enrique A. Monagas

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