

Supreme Court, U.S.  
FILED

JAN - 7 2013

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No. 12-144

IN THE SUPREME COURT OF THE UNITED STATES

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DENNIS HOLLINGSWORTH, et al., *Petitioners*,

v.

KRISTIN M. PERRY, et al., *Respondents*.

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**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit**

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**APPLICATION FOR AN EXPANSION OF THE WORD LIMIT**

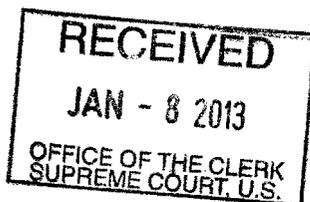
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## **CORPORATE DISCLOSURE STATEMENT**

No corporations are parties, and there are no parent companies or publicly held companies owning any corporation's stock. Petitioner ProtectMarriage.com is a primarily formed ballot committee under California law. *See* CAL. GOV. CODE §§ 82013 & 82047.5. Its "sponsor" under California law is California Renewal, a California nonprofit corporation, recognized as a public welfare organization under 26 U.S.C. § 501(c)(4).

## APPLICATION FOR AN EXPANSION OF THE WORD LIMIT

To the Honorable Anthony M. Kennedy, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 33.1(d), Petitioners Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Mark A. Jansson, and ProtectMarriage.com – Yes on 8, A Project of California Renewal respectfully request leave to file a brief on the merits in excess of the 15,000-word limit. *See* SUP. CT. R. 33.1(g)(v). In particular, Petitioners request an expansion of up to 5,000 words, for a brief totaling not more than 20,000 words. In support of their application, Petitioners state as follows:

1. This Court has long recognized that marriage is an institution in which “the public is deeply interested, for it is the foundation of the family and of society.” *Maynard v. Hill*, 125 U.S. 190, 211 (1888). Whether the Equal Protection Clause of the Fourteenth Amendment requires the State of California to fundamentally redefine this institution is a question of great public import, and the additional words Petitioners have requested will assist the Court in its consideration of that question.

2. Plaintiffs and Plaintiff-Intervenor City and County of San Francisco are represented by separate counsel and filed two separate briefs in opposition to certiorari, both of which approached the word limit. It is highly likely that they will file two separate briefs on the merits. Collectively, these briefs could be 30,000 words. *See* SUP. CT. R. 33.1(g)(vi). Granting Petitioners’ request will mitigate some of the potential disparity in the volume of briefing by each side in this case.<sup>1</sup>

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<sup>1</sup> Petitioners may request leave to file a reply brief in excess of the word limits.

3. The reasonableness of Petitioners' request is illustrated by the proceedings in the courts below. The district court, for example, granted Petitioners leave to file a 98-page summary judgment brief, nearly four times longer than the 25-page limit imposed by local rule. *See* N.D. Cal. Doc. Nos. 172 and 183. While the district court disposed of Petitioners' summary judgment motion orally without issuing a written opinion, its post-trial decision striking down Proposition 8 was 136 pages. *See* N.D. Cal. Doc. No. 708. And the court of appeals granted Petitioners leave to file an opening brief of more than 30,000 words, or more than twice the number of words allowed by the Federal Rules of Appellate Procedure. *See* 9th Cir. Dkt. Entries 20 and 25. These items, to be sure, addressed a due process issue in addition to the equal protection issue presented to this Court, but the panel majority's 80-page opinion for the Ninth Circuit did not. *See* 9th Cir. Dkt. Entry 398.

4. Petitioners' request is also supported by this Court's directive that the parties brief the issue of Petitioners' standing in addition to the question listed in the petition for certiorari. While this issue was addressed in the Ninth Circuit materials cited above, it was not addressed in the cited materials from the district court.

For these reasons, Petitioners' request for leave to file a brief on the merits of not more than 20,000 words should be granted.

January 7, 2013

Respectfully submitted,

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