



Public Information Office
United States Courts for the Ninth Circuit

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ANNOUNCEMENT

November 30, 2011

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**Notice to Media, Public Regarding
Oral Arguments in *Perry v. Brown***

SAN FRANCISCO – The following information is intended for news media covering upcoming oral arguments in the Proposition 8 case, *Perry v. Brown*, Appeal Nos. 11-17255 and 11-16577, and for members of the public seeking to observe the proceedings.

Oral arguments will be heard by a panel of three judges of the United States Court of Appeals for the Ninth Circuit on Thursday, December 8, 2011, beginning at 2:30 p.m. (Pacific time) in Courtroom One on the third floor of the James R. Browning U.S. Courthouse, 95 7th St., San Francisco. The panel consists of Circuit Judges Stephen Reinhardt of Los Angeles and N. Randy Smith of Pocatello, Idaho, and Senior Circuit Judge Michael Daly Hawkins of Phoenix. Two appeals will be argued:

Appeal No. 11-17255 involves an appeal of a ruling by Chief District Judge James Ware of the U.S. District Court for the Northern District of California on September 19, 2011, allowing the public release of videotapes made of the civil bench trial in *Perry v. Hollingsworth*. Oral arguments in this matter are scheduled to begin at 2:30 p.m.

Appeal No. 11-16577 involves an appeal of a ruling by Chief District Judge Ware on June 14, 2011, denying a motion to vacate the judgment in *Perry v. Hollingsworth* on the ground that the presiding judge, then-Chief Judge Vaughn R. Walker, now retired, should be disqualified from presiding over the case because he was involved in a same-sex relationship at the time. Oral arguments in this matter are scheduled to begin at 3:30 p.m.

There will be no further argument in Appeal No. 10-16696. This appeal involves a challenge to a California law defining marriage as a union of one man and one woman, thereby prohibiting same-sex marriages. The law was enacted by a ballot measure, Proposition 8, approved by a

majority of California voters in 2008, and found to be constitutional by the California Supreme Court in 2009. The law was challenged in federal court leading to a civil bench trial in January 2010 before Judge Walker in the U.S. District Court for the Northern District of California. On August 4, 2010, Judge Walker issued a ruling in *Perry v. Hollingsworth* finding the law to be unconstitutional because it violated the equal protection and due process rights of same-sex couples seeking to marry. The decision was appealed to the Ninth Circuit Court of Appeals, which heard oral arguments on December 6, 2010, on two matters: 1) Whether the proponents of the Proposition 8 ballot measure and certain local government officials had legal standing to appeal the lower court ruling; and 2) whether Judge Walker was correct in finding that the law was unconstitutional. On January 4, 2011, the Ninth Circuit Court of Appeals issued an order asking the California Supreme Court to determine whether Proposition 8 proponents had the legal right under the California law to defend Proposition 8 after the State of California chose not to do so. On November 17, 2011, the California Supreme Court issued an opinion finding that Proposition 8 proponents did have standing to defend the law. The Ninth Circuit panel has asked the parties to submit briefs pertaining to the California Supreme Court ruling. The panel has not yet ruled on either the standing issue or the constitutionality of the law. (This case was previously captioned *Perry v. Hollingsworth* and *Perry v. Schwarzenegger*.)

Documents related to all three appeals are available online. To access, [click here](#) or use this URL: http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000513.

Videotaping of the Proceedings

The panel has given consent for videotaping of the proceedings for later broadcast by C-SPAN and the NBC-7 television station in San Diego, and for still photo coverage by the *Los Angeles Times*. In the event of multiple camera requests, C-SPAN and the *Los Angeles Times* will serve as pool providers for other media seeking to obtain an audio/video feed or still photographs. To participate in the pool, media must make application to the court using the camera request form attached here. Requests will be accepted until 5 p.m. Monday, December 5, 2011. The court will notify applicants of whether their request has been granted or denied. If granted, the court will provide contact information for C-SPAN and the *Los Angeles Times* to arrange a feed. The media is entirely responsible for working out pool arrangements.

In addition to C-SPAN, the Ninth Circuit Court of Appeals will provide a live audio/video feed from Courtroom One to other parts of the James R. Browning U.S. Courthouse and to remote viewing locations elsewhere. More information on remote viewing is available below. Digital files containing video and audio recordings of the proceeding will be available from the Court of Appeals website – www.ca9.uscourts.gov/media – no later than noon the following day.

Photo ID Required

The public entrance to the courthouse is located at 7th and Mission streets. Visitors entering the courthouse must show a valid photo ID and pass through security screening.

Courtroom Seating

Due to significant public interest in the case, the court will reserve a limited number of seats in Courtroom One for members of the media. To request a seat, contact the court's public information officer, David J. Madden, (415) 355-8930 / dmadden@ce9.uscourts.gov by 5 p.m. Monday, December 5, 2011. More information on media seating will be provided. Members of the media are strongly encouraged to be in their seats by 2:15 p.m.

Public seating in Courtroom One will be limited and available on a first come-first served basis. Persons wishing to observe oral arguments are encouraged to arrive early and may be required to wait in a line for access to the courtroom. The courtroom will be opened to public seating at 1:30 p.m. The proceeding also may be observed at overflow locations within the courthouse.

Electronic Devices

Anyone may bring electronic devices, such as a Blackberry, smart phone, laptop computer or a similar functioning device having wireless communications capability into the courthouse. Except for courtrooms, persons may use such devices in public areas of the courthouse to make telephone calls and to transmit and receive data communications, such as email or text messages, or to access the Internet. For reasons of privacy, safety, and security, use of these devices to take photographs or for audio or video recording or transmission is prohibited in the courthouse.

In courtrooms, persons may use such devices to take notes, transmit and receive data communications, and access the Internet. This includes media members who are transmitting written accounts of the proceeding to a wider audience using various means. Persons may not use these devices for telephone calls, photographs or audio or video recording or transmission. Telephone ring tones and other functional sounds produced by devices must be disabled while in the courtroom. Only quiet keyboards may be used in the courtrooms. The presiding judge of a judicial panel may prohibit or further restrict use of such devices by all persons prior to or during a proceeding when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.

Internet Connection

Courtroom One does not provide Wi-Fi connectivity. Wi-Fi is available in the Attorney Lounge and the Courthouse Café, both located on the first floor of the courthouse. Past experience indicates that 3G connections are possible in Courtroom One.

Press Room / Post-Proceedings Press Conference

The court has granted permission for the parties to hold press conferences immediately after the proceedings in the Library Conference Room on the first floor of the courthouse. Video and still camera coverage will be allowed **only** in the Library Conference Room. Media are instructed not to use cameras elsewhere in the courthouse.

The Library Conference Room may be used by the media prior to the proceeding. At this point, there are no plans to use this location as a press room (e.g. no tables, electrical outlet access, etc.). A live audio/video feed from Courtroom One will be displayed in the Library Conference Room.

Remote Viewing

A live video and audio feed from the proceedings at the San Francisco courthouse will be delivered via electronically secure means to the following federal courthouses:

Richard H. Chambers U.S. Courthouse 125 South Grand Ave. Pasadena, California. Courtroom Three, 1 st Floor	U.S. Pioneer Courthouse 700 SW Sixth Avenue Portland, Oregon Pioneer Courtroom	William K. Nakamura U.S. Courthouse 1010 Fifth Avenue Seattle, Washington En Banc Courtroom, 8 th Floor
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Remote viewing may also be available at other locations. More information will be provided as available.

Public access to the remote viewing locations in federal courthouses will be on a first come-first served basis. No photographs or recording/transmission of the audio and video displayed at the remote viewing locations will be allowed. Proper decorum is expected.

More Information

For more information, contact the public information officer, David J. Madden, (415) 355-8930 / dmadden@ce9.uscourts.gov.

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