



For Immediate Release
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TRIAL DATE SET IN FEDERAL CHALLENGE TO PROP. 8

SAN FRANCISCO – Chief Judge Vaughn R. Walker today set a trial date of January 11th for the federal challenge to Proposition 8 led by the American Foundation for Equal Rights and attorneys Theodore Olson and David Boies.

Foundation Board President Chad Griffin said he was pleased with the Judge's order.

"Proposition 8 compels our government to treat people differently under the law simply because of who they are. That injustice cannot be corrected fast enough," Griffin said.

In advance of today's hearing, Olson and Boies, filed papers with the court seeking a trial around the December. The defenders of Proposition 8 sought a trial that would start no earlier than July 2010. In an order issued just prior to case's first hearing, on July 2, Judge Walker said: "Given that serious questions are raised in these proceedings ... the court is inclined to proceed directly and expeditiously to the merits of plaintiffs' claims. ... The just, speedy and inexpensive determination of these issues would appear to call for proceeding promptly to trial."

Olson and Boies represent Kris Perry & Sandy Stier, and Paul Katami & Jeff Zarrillo, two same-sex couples who wish to be married but, because of Proposition 8, have been denied marriage licenses.

"This unequal treatment of gays and lesbians denies them the basic liberties and equal protection under the law that are guaranteed by the Fourteenth Amendment of the United States Constitution," their suit states.

According to the suit, Proposition 8:

- Violates the Due Process Clause by impinging on fundamental liberties
- Violates the Equal Protection Clause of the Fourteenth Amendment.
- Singles out gays and lesbians for a disfavored legal status, thereby creating a category of "second-class citizens."
- Discriminates on the basis of gender.
- Discriminates on the basis of sexual orientation.

Olson is a former U.S. Solicitor General who represented George W. Bush in 2000's Bush v. Gore, which decided the presidential election. Boies represented Al Gore in that case. Olson,

widely regarded as one of the nation's preeminent constitutional lawyers, has argued 55 cases in the U.S. Supreme Court. Boies ranks as one of the leading trial lawyers of his generation, having secured landmark victories for clients in numerous areas of the law. This is the first time they have served alongside each other as co-counsel.

"More than 30 years ago, the United States Supreme Court recognized that marriage is one of the basic rights of man," the suit states, referring to the Court's decision in *Loving v. Virginia*, which struck down bans on interracial marriage.

Kris Perry and Sandy Stier have been together for 9 years and are the parents of four boys. Perry is Executive Director of First 5 California, a state agency that promotes education and health for children under five. She holds a BA from UC Santa Cruz and an MSW from San Francisco State University. Stier is Information Technology Director for the Alameda County Behavioral Health Care Services Agency. She is originally from Iowa and is a graduate of the University of Iowa.

Perry and Stier first tried to marry in 2004, after the City of San Francisco began issuing licenses. They live in Berkeley, CA. Paul Katami and Jeff Zarrillo have been together for 8 years. Katami is a fitness expert and business owner who graduated from Santa Clara University before receiving his graduate degree from UCLA. Zarrillo is the General Manager of a theater exhibition company. A native of New Jersey, Zarrillo graduated from Montclair State University. Having wanted to marry each other for more than two years, they considered options including traveling to other states for a "civil union," but felt any alternative fell short of marriage. They live in Burbank, CA.

They have issued the following joint statement: "We and our relationships should be treated equally under the law. Our goal is to advance the cause of equality for all Americans, which is the promise that makes this nation so great."

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