



presents

# THE CASE AGAINST 8



A Film by Ben Cotner, Ryan White  
112' | 52' | USA | 2013 | HD



<http://thecaseagainst8.com/>

 @TheCaseAgainst8

 /TheCaseAgainst8

DOGWOOF | Ground floor | 19-23 Ironmonger Row | London | EC1V 3QN | UK  
Tel: +44 20 7253 6244 | [global@dogwoof.com](mailto:global@dogwoof.com)

## **AWARDS & NOMINATIONS**

Academy Awards 2015 - Shortlisted

Emmys 2015 – Nominated: Outstanding Documentary or Nonfiction Special

Emmys 2015 – Nominated: Outstanding Picture Editing for Nonfiction Programming

Sundance Film Festival 2014 - Winner: Directing Award US Documentary

SXSW 2014 - Winner: Audience Award

RiverRun International Film Festival - Winner: Best Documentary Feature and Audience Award

HotDocs 2014 – Top Ten Audience Favorite

Vail Film Festival 2014 – Winner: Best Documentary

Ashland Independent Film Festival 2014 – Winner: Documentary and Audience Award

Berkshire International Film Festival 2014 – Juried Prize Winner

Honolulu Rainbow Film Festival 2014 – Winner: Best Documentary Feature

Traverse City Film Festival 2014 – Winner: Best Documentary Film

Out East Film Festival 2014 – Winner: Audience Award

## PRESS

"Triumphant" ★★★★★ – [The Guardian](#)

"Passionate" ★★★★★ – [Time Out](#)

"A legal thriller" ★★★★★ – [The Times](#)

"Civil Rights with a Sorkin-like twist." ★★★★★ – [Little White Lies](#)

"Vibrantly alive with political purpose" ★★★★★ – [So So Gay](#)

"A stirring civil rights film that is both cogent and emotionally charged...grips from start to finish..." – [The Hollywood Reporter](#)

"Engrossing and emotional..." - Kenneth Turan, [The Los Angeles Times](#)

"An emotional tour of history in the making" – [IndieWire](#)

"Lucid, balanced and relentlessly informative. Spellbinding stuff." - Evening Standard

"A well-made, moving, informative history" - [RogerEbert.com](#)

"A significant, even necessary film" – [HitFix](#)

Critics' Pick - New York Times, Time Out New York

## **SHORT SYNOPSIS**

Shot over five years, the film offers an inside look into the case to overturn California's ban on same-sex marriage, while following the unlikely team that took the first federal marriage equality lawsuit to the U.S. Supreme Court.

## **MEDIUM SYNOPSIS**

A behind-the-scenes look inside the historic case to overturn California's ban on same-sex marriage. The high-profile trial first makes headlines with the unlikely pairing of Ted Olson and David Boies, political foes who last faced off as opposing attorneys in *Bush v. Gore*. The film also follows the plaintiffs, two gay couples who find their families at the center of the same-sex marriage controversy. Five years in the making, this is the story of how they took the first federal marriage equality lawsuit to the U.S. Supreme Court.

## FILMMAKERS' STATEMENT

In November 2008, we watched as our fellow California citizens passed Proposition 8, taking away the right of same-sex couples to marry. After six months of watching gay friends and colleagues legally marry their loved ones, it was a significant blow to know this right was no longer available.

Just weeks after its passage, a plan was quietly brewing for a legal challenge to Prop 8 that would prove groundbreaking in scope and political significance. The case would be the first federal challenge to a state's same-sex marriage ban, a strategy that at the time was unpopular even amongst LGBT leaders, because it was deemed "too soon" to go so boldly to the national level. The lawsuit would be helmed by an unlikely duo of lawyers, Ted Olson and David Boies, political adversaries who had last faced off in *Bush v. Gore*. For this case, however, the leading conservative lawyer and the leading liberal lawyer would join forces to fight for the rights of gays and lesbians.

We approached the American Foundation for Equal Rights (AFER), the group that was created to organize the lawsuit, in early 2009 about documenting the process of the legal challenge. At the time no one could predict what would happen with the lawsuit, but the ultimate goal was to take it to the U.S. Supreme Court. As filmmakers, we were immediately drawn to the rare opportunity to follow a case from its inception all the way to the nation's highest court, an institution shrouded in mystery.

From day one, we embedded ourselves in the San Francisco legal offices with a very small crew to remain as unobtrusive as possible. We were there as AFER searched for plaintiffs, two California couples that could withstand the pressure of being at the epicenter of a hugely divisive issue. And we were there as those two couples nervously entered those law offices for the first time. Most cases of this magnitude are highly confidential, so we were fortunate to get such openness from all of the main players involved in the case.

The four plaintiffs—Jeff, Paul, Kris, and Sandy—went through many difficult challenges during the last five years that were often very personal and emotional, but because of their dedication to the case they never asked us to stop filming. They and their families are the heart of the film, highlighting the human side of an issue that often gets overshadowed by politics.

With Ted Olson and David Boies as our film's two main legal characters, we were particularly drawn to the idea of lifting the partisan veil that has always surrounded the issue of gay marriage. Because of their roles as opposing counsel during *Bush v. Gore*, Ted and David were immediately branded "The Odd Couple" in the press, and came to symbolize the ability of conservatives and liberals to work together. In a consistently divisive political culture, we wanted to focus on this unique example of productive collaboration across party lines.

In a surprise ruling, the judge declared that the case was going to trial and that it would be broadcast to the American public. For the first time, the issues of same-sex marriage would be put on trial in a federal court in which both sides would put forth their best arguments through expert witnesses, empirical evidence, and cross-examinations. But when the Supreme Court blocked the broadcast on the eve of the trial, we knew that all of the behind-the-scenes footage we were capturing was going to be an important record of a trial the public wouldn't otherwise see.

After years of appeals and hearings at all levels throughout the judicial system, the case finally reached the U.S. Supreme Court on a harshly freezing day in March 2013. Three months later, on an equally harsh hot summer day, we stood with thousands of people on the steps of the Supreme Court, awaiting the decision. The tension from both sides was palpable, the weight of a historical moment we hope audiences will feel as they watch the film.

Over the past five years, we spent countless emotional days and sleepless nights with the attorneys and plaintiffs, capturing over 600 hours of footage. On June 28th, 2013, we accompanied Kris & Sandy and Paul & Jeff to their respective City Halls where they were legally married, with their families and the entire world watching.

We are extremely grateful for the incredible access we've been given since the very beginning of this case, which allowed us to explore issues of bipartisanship, civil rights, privacy, and human dignity. It is our hope that THE CASE AGAINST 8 will give audiences the opportunity to experience this historical journey in an in-depth and intimate way.

## ABOUT THE FILM-MAKERS:

**Ryan White** is the director/producer of “Good Ol’ Freda” (Magnolia Pictures), which tells the story of The Beatles’ longtime secretary Freda Kelly, and “Pelada,” a journey around the world through the lens of pick-up soccer. White’s other credits include: “Capitol Crimes” (Bill Moyers, PBS), “Dead Wrong: Inside An Intelligence Meltdown” (CNN), “9/11: For The Record” (Bill Moyers, PBS) and “Country Boys” (Frontline, PBS).

**Ben Cotner** has served as an executive for ten years at Paramount Pictures and Open Road Films, where he most recently oversaw acquisitions and production. He has worked on such films as “An Inconvenient Truth,” “American Teen,” “Mad Hot Ballroom,” “A Haunted House,” “Side Effects” and “The Grey And End Of Watch.”

## PLANTIFF BIOS:

**Kris Perry** and **Sandy Stier** have been together since 1997 and are the parents of four boys. Perry is executive director of the First Five Years Fund, a national organization that helps America achieve better results in education, health and economic productivity through investments in quality early childhood education programs for disadvantaged children. She holds a BA from University of California, Santa Cruz and an MSW from San Francisco State University. Stier is the director of information systems for the Alameda County Health Care Services Agency. Originally from Iowa, she is a graduate from the University of Iowa and holds an MPA from Golden Gate University. Perry and Stier first tried to marry in 2004, after the City of San Francisco began issuing licenses. On June 28, 2013, Perry and Stier were the first gay or lesbian couple to marry in California post-Proposition 8. They were married at San Francisco City Hall by California Attorney General Kamala Harris.

**Paul Katami** and **Jeff Zarrillo** have been together since 1998. Katami is a fitness expert and small business owner who graduated from Santa Clara University before receiving his graduate degree from University of California, Los Angeles. 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 since 2008, they considered options including traveling to other states for a civil union, but felt any alternative fell short of marriage. On June 28, 2013, Paul and Jeff were married at Los Angeles City Hall by Mayor Antonio Villariagosa. They live in Burbank, California.

## LAWYER BIOS:

**David Boies** is chairman of the law firm of Boies, Schiller and Flexner LLP. The firm has offices in New York, Washington D.C., California, Florida, Nevada, New Hampshire, and New Jersey. Mr. Boies was born in Sycamore, Illinois on March 11, 1941. He attended the University of Redlands (1960-62); and received a B.S. from Northwestern University (1964); an LL.B., magna cum laude, from Yale University (1966); and an LL.M. from New York University (1967). Mr. Boies served as Chief Counsel and Staff Director of the United States Senate Antitrust Subcommittee in 1978 and Chief Counsel and Staff Director of the United States Senate Judiciary Committee in 1979. In 1991-1993 Mr. Boies was counsel to the Federal Deposit Insurance Corporation in its litigation to recover losses for failed savings and loan associations, and in 1998-2000 Mr. Boies served as Special Trial Counsel for the United States Department of Justice in its antitrust suit against Microsoft. Mr. Boies also served as the lead counsel for former Vice-President Al Gore in connection with litigation relating to the 2000 election Florida vote count. Mr. Boies has taught courses at New York University Law School and Cardozo Law School. Mr. Boies is the author of numerous publications including *Courting Justice*, published by Miramax in 2004 and *Public Control of Business* (co-authored with Paul Verkuil), published by Little Brown in 1977. He is a member of Phi Beta Kappa; New York Bar (1967); Fellow, American College of Trial Lawyers; Fellow, International Academy of Trial Lawyers. Mr. Boies is the recipient of LL.D.s from the University of Redlands (2000) and New York Law School (2007). His awards include the Milton Gould Award for Outstanding Oral Advocacy, the Pinnacle Award from the International Dyslexia Association, the Lifetime Achievement Award from the LD Access Foundation, the Outstanding Learning Disabled Achievers Award from the Lab School of Washington, and the William Brennan Award from the University of Virginia (2000). Mr. Boies was named the Antitrust Lawyer of the Year by the New York Bar Association (2003); the Lawyer of the Year by the National Law Journal (1999 and 2000); and the Commercial Litigator of the Year by Who's Who International (2005 and 2008). In 2008 Mr. Boies successfully defended NASCAR against antitrust charges and, with his partner Donald Flexner, collected a record \$4 billion for their client American Express in its litigation against Visa and MasterCard.

**Theodore B. Olson** was solicitor general of the United States from 2001-2004 and was assistant attorney general in charge of the Office of Legal Counsel in the U.S. Department of Justice from 1981 to 1984. Except for those two intervals, since 1965 he has been a lawyer with Gibson, Dunn & Crutcher in Los Angeles and in Washington, D.C., where he is currently a partner and Co-Chair of the Appellate and Constitutional Law Group. Mr. Olson is one of the nation's premier appellate and United States Supreme Court advocates. He has argued 58 cases in the Supreme Court, including *Bush v. Palm Beach County Canvassing Board* and *Bush v. Gore*, stemming from the 2000 presidential election. He has prevailed in more than 75 percent of his arguments before the Supreme Court. Mr. Olson's Supreme Court arguments have included cases involving separation of powers; federalism; voting rights; the First Amendment; the Equal Protection and Due Process Clauses; sentencing; jury trial rights; punitive damages; takings of property and just compensation; the Commerce Clause; taxation; immigration; criminal law; copyright; antitrust; securities; telecommunications; the environment; the internet; and other federal constitutional and statutory questions. As Solicitor General, Mr. Olson was the



Government's principal advocate in the United States Supreme Court, responsible for supervising and coordinating all appellate litigation of the United States, and was a legal adviser to the President and the Attorney General. As Assistant Attorney General for the Office of Legal Counsel during the Reagan Administration, Mr. Olson was the Executive Branch's principal legal adviser, rendering legal guidance to the President and to the heads of the Executive Branch departments on a wide range of constitutional and federal statutory questions, and assisting in formulating and articulating the Executive Branch's position on constitutional issues. Mr. Olson has served as private counsel to two Presidents, Ronald W. Reagan and George W. Bush, in addition to serving those two Presidents in high-level positions in the Department of Justice. He has twice received the United States Department of Justice's Edmund J. Randolph Award, its highest award for public service and leadership. He has also been awarded the Department of Defense's highest civilian award for his advocacy in the courts of the United States, including the Supreme Court, on behalf of that Department. He was a visiting scholar at the National Constitution Center in 2007. Mr. Olson served in the President's Privacy and Civil Liberties Oversight Board from 2006 to 2008. He is Co-Chair of the Knight Commission on the Information Needs of Communities in a Democracy. He is also a member of the Board of Trustees on the Ronald Reagan Presidential Foundation and a member of The Steering Committee on The Sandra Day O'Connor Project on the State of the Judiciary. Mr. Olson is a Fellow of both the American College of Trial Lawyers and the American Academy of Appellate Lawyers. The National Law Journal has repeatedly listed him as one of America's Most Influential Lawyers. The American Lawyer and Legal Times have characterized Mr. Olson as one of America's leading advocates. In December of 2007, Washingtonian magazine listed him as number one on its list of the finest lawyers in the nation's capital. The New York Times columnist William Safire has described Mr. Olson as this generation's "most persuasive advocate" before the Supreme Court and "the most effective Solicitor General" in decades. Mr. Olson received his law degree in 1965 from the University of California at Berkeley (Boalt Hall) where he was a member of the California Law Review and Order of the Coif. He received his bachelor's degree from the University of the Pacific, where he was recognized as the outstanding graduating student in both forensics and journalism. Mr. Olson has written and lectured extensively on appellate advocacy, oral communication in the courtroom, civil justice reform, punitive damages, and constitutional and administrative law.

## CREDITS

HBO Documentary Films Presents

A Tripod Media Production

And a Moore's Filmed Goods and Services Film

**Directed by:**

Ben Cotner  
Ryan White

**Produced by:**

Ben Cotner  
Ryan White

**Editor:**

Kate Amend, A.C.E.

**Music by:**

Blake Neely

**Associate Editor:**

Helen Kearns

**Co-producers:**

Rebekah Fergusson  
Jessica Lawson

**Associate Producer:**

Carin Bortz

FOR HBO:

**Supervising Producer**

Sara Bernstein

**Executive Producer**

Sheila Nevins

**For World Sales enquires please contact**

**DOGWOOF GLOBAL**

**Ground Floor**

**19-23 Ironmonger Row | London | EC1V 3QN | UK**

**Tel: +44 20 7253 7244**

**Ana Vicente [ana@dogwoof.com](mailto:ana@dogwoof.com) or**

**Vesna Cudic [vesna@dogwoof.com](mailto:vesna@dogwoof.com)**

**For festivals: [global@dogwoof.com](mailto:global@dogwoof.com)**

**For press enquires please contact: [press@dogwoof.com](mailto:press@dogwoof.com)**