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11 **UNITED STATES DISTRICT COURT**  
 12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
 13 **EASTERN DIVISION**

14 LOG CABIN REPUBLICANS,  
 15 Plaintiff,  
 16 v.  
 17 UNITED STATES OF AMERICA AND  
 ROBERT M. GATES, Secretary of  
 18 Defense,  
 19 Defendants.  
 20  
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No. CV04-8425 VAP (Ex)  
 DEFENDANTS' NOTICE OF  
 MOTION AND MOTION FOR  
 REVIEW OF MAGISTRATE  
 JUDGE'S DISCOVERY RULING  
 DATE/TIME: EXPEDITED  
 RULING REQUESTED;  
 DISCOVERY MATTER  
 BEFORE: Judge Phillips

22  
 23 Filed herewith:

- 24 1. Notice of Motion and Motion for Review of Magistrate Judge's  
 Discovery Ruling  
 25 2. Memorandum of Points And Authorities in Support of  
 Motion for Review of Magistrate Judge's Discovery Ruling  
 26 3. Attachments (Defendants' Responses to Requests for  
 Admission & Transcript of Hearing before the Magistrate  
 27 Judge)  
 28 4. Proposed Order

1 **NOTICE OF MOTION AND MOTION FOR REVIEW OF MAGISTRATE**  
2 **JUDGE'S DISCOVERY RULING**

3 NOTICE IS HEREBY GIVEN that, pursuant to Local Rule 72-2.1,  
4 Defendants the United States and Secretary Gates object to, and seek relief from,  
5 the portion of the Magistrate Judge's ruling dated March 16, 2010 (Doc. 127)  
6 requiring Defendants to "unqualifiedly admit or deny" Plaintiff's Requests for  
7 Admission Nos. 3, 4, and 5 of Plaintiff's First Set of Requests for Admission.  
8 By stipulation (Doc. 134), the parties have agreed to an expedited briefing schedule  
9 for this motion and jointly request that the matter be deemed submitted for decision  
10 upon completion of that briefing, unless the Court determines that a hearing is  
11 necessary. Defendants' motion is based upon these moving papers, the attached  
12 Memorandum of points and authorities in support of the Motion, and upon such  
13 other and further arguments, documents, and grounds as may be advanced in the  
14 future. This motion is made following the conference of counsel pursuant to Local  
15 Rule 7-3, which took place on March 25 and 26, 2010.  
16

17 Dated: March 26, 2010

Respectfully submitted,

18 TONY WEST  
19 Assistant Attorney General

20 ANDRÉ BIROTTE, JR  
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22 VINCENT M. GARVEY  
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/s/ Paul G. Freeborne  
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