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11 Attorneys for Defendants  
 12 United States of America and  
 Robert Gates, Secretary of Defense

14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA

16 LOG CABIN REPUBLICANS, a non-	)	Case No. CV04-8425 GPS (ex)
17 profit corporation,	)	
	)	JOINT REQUEST FOR DECISION IN
	)	ACCORDANCE WITH LOCAL RULE
18 Plaintiff,	)	83-9.2
	)	
19 vs.	)	Filed: October 12, 2004
	)	Trial Date: None scheduled
	)	
21 UNITED STATES OF AMERICA and	)	
22 ROBERT M. GATES (substituted for	)	
Donald H. Rumsfeld pursuant to FRCP	)	
23 25(d)), SECRETARY OF DEFENSE, in	)	
24 his official capacity,	)	
	)	
25 Defendants.	)	
	)	
26	)	

1           WHEREAS, plaintiff The Log Cabin Republicans (“Plaintiff”) filed a first  
2 amended complaint in the above captioned action on April 28, 2006;

3           WHEREAS, defendants United States of America and Donald H. Rumsfeld,  
4 Secretary of Defense (“Defendants”) filed a motion to dismiss the first amended  
5 complaint on June 12, 2006;<sup>1</sup>

6           WHEREAS, Plaintiff filed a memorandum in opposition to the motion to  
7 dismiss on June 30, 2006;

8           WHEREAS, Defendants filed a reply memorandum to Plaintiff’s opposition on  
9 July 7, 2006;

10          WHEREAS, a hearing was held on the motion on June 18, 2007 at the  
11 conclusion of which the matter was submitted for decision;

12          WHEREAS, the Court did not make a decision within 120 days of the hearing  
13 on the motion;

14          WHEREAS, the parties filed a joint request for decision in accordance with  
15 L.R. 83-9.2 on October 24, 2007;

16          WHEREAS, Plaintiff filed a memorandum of supplemental authority in  
17 support of its opposition to Defendants’ motion to dismiss on October 24, 2007,  
18 concurrently with the joint request for decision;

19          WHEREAS, on October 30, 2007, the Court denied the parties’ joint request  
20 for decision as moot and set a briefing schedule for the parties to further address  
21 Plaintiff’s memorandum of supplemental authority;

22          WHEREAS, Defendants filed a response to Plaintiff’s memorandum of  
23 supplemental authority on November 6, 2007;

24          WHEREAS, Plaintiffs filed a reply memorandum to Defendants’ response on  
25 November 13, 2007 at which time, as defined by L.R. 83-9.1.2(a)(ii), the matter was  
26 again submitted for decision;

27  
28  

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<sup>1</sup> Pursuant to FRCP 25(d), Secretary of Defense Robert M. Gates is substituted for Donald H. Rumsfeld.

1 WHEREAS, the Court has not made a decision within 120 days of the matter  
2 being submitted for decision in accordance with L.R. 83-9.1.

3 IT IS HEREBY JOINTLY REQUESTED, pursuant to L.R. 83-9.2, by and  
4 between the undersigned counsel for the parties, that the Court issue its decision on  
5 the motion to dismiss in accordance with L.R. 83-9.3, which provides that, unless the  
6 Court makes its decision within 30 days after the filing of a joint request, it shall,  
7 within the same period, advise the parties in writing of the date by which the decision  
8 shall be made.

9  
10 Respectfully submitted,

11 DATED: March 20, 2008

WHITE & CASE LLP

12  
13  
14 By: 

Patrick Hunnius

Attorneys for Plaintiff Log Cabin Republicans

15  
16 DATED: March 20, 2008

U.S. DEPARTMENT OF JUSTICE

17  
18 By:  *ph per*  
*author*

Paul G. Freeborne

Attorneys for Defendants United States of  
America and Robert M. Gates, Secretary of  
Defense

PROOF OF SERVICE

1  
2 I am employed in the County of Los Angeles, State of California. I am over  
3 the age of 18 and not a party to the within action. My business address is 633 W.  
4 Fifth Street, Suite 1900, Los Angeles, CA 90071-2007. I am employed by a member  
of the Bar of this Court at whose direction the service was made.

5 On March 20, 2008, I served the foregoing document(s) described as JOINT  
6 REQUEST FOR DECISION IN ACCORDANCE WITH LOCAL RULE 83-9.2 on  
the person(s) below, as follows:

7 Peter D. Keisler  
8 Assistant Attorney General  
9 George S. Cardona  
10 Acting United States Attorney  
11 Vincent M. Garvey  
12 U.S. Department of Justice, Civil  
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21  (BY MAIL) I enclosed the document(s) in a sealed envelope or  
22 package addressed to the person(s) at the address(es) listed above and  
23 placed the envelope for collection and mailing at White & Case, LLP,  
24 Los Angeles, California, following our ordinary business practices. I am  
25 readily familiar White & Case's practice for collection and processing of  
26 correspondence for mailing with the United States Postal Service.  
27 Under that practice, the correspondence would be deposited in the  
28 United States Postal Service on that same day in the ordinary course of  
business.

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Executed on March 20, 2008, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.



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Diane M. Petrek