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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 TO CHIEF JUDGE
	)	FOR DECISION IN ACCORDANCE
18 Plaintiff,	)	WITH LOCAL RULE 83-9.4;
	)	MEMORANDUM OF POINTS AND
	)	AUTHORITIES
20 vs.	)	
	)	Filed: October 12, 2004
21 UNITED STATES OF AMERICA and	)	Trial Date: None scheduled
22 ROBERT M. GATES (substituted for	)	
23 Donald H. Rumsfeld pursuant to FRCP	)	
24 25(d)), SECRETARY OF DEFENSE, in	)	
his official capacity,	)	
	)	
25 Defendants.	)	
	)	
26	)	

1           WHEREAS, plaintiff Log Cabin Republicans (“Plaintiff”) filed its complaint in  
2 the above captioned action on October 12, 2004;

3           WHEREAS, defendants United States of America and Donald H. Rumsfeld,  
4 Secretary of Defense (“Defendants”) filed a motion to dismiss on December 14,  
5 2004;<sup>1</sup>

6           WHEREAS, following completion of the parties’ briefing on the motion, the  
7 parties filed two joint requests for decision in accordance with L.R. 83-9.2 before the  
8 Court dismissed the action on standing grounds on March 21, 2006;

9           WHEREAS, Plaintiff filed a first amended complaint in the above captioned  
10 action on April 28, 2006;

11           WHEREAS, Defendants filed a motion to dismiss the first amended complaint  
12 on June 12, 2006;

13           WHEREAS, following completion of the parties’ briefing, a hearing was held  
14 on the motion on June 18, 2007 at the conclusion of which the Court stated that the  
15 matter was submitted for decision;

16           WHEREAS, the Court did not make a decision within 120 days of the hearing  
17 on the motion as required by L.R. 83-9.1;

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

20           WHEREAS, on October 30, 2007, the Court denied the parties’ joint request  
21 for decision as moot in light of Plaintiff’s concurrently filed memorandum of  
22 supplemental authority;

23           WHEREAS, in accordance with L.R. 83-9.1.2(a)(ii), the matter was again  
24 submitted for decision when, on November 13, 2007, the parties completed briefing  
25 in connection with the submitted supplemental authority;

26           WHEREAS, the Court did not make a decision within 120 days of the matter  
27 being submitted for decision;

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

1 WHEREAS, the parties filed a joint request for decision in accordance with  
2 L.R. 83-9.2 on March 20, 2008;

3 WHEREAS, the Court did not make its decision on the motion to dismiss or  
4 advise the parties of an intended decision date within 30 days of filing of the joint  
5 request for decision, or by April 21, 2008, as required under L.R. 83-9.3;

6  
7 IT IS HEREBY JOINTLY REQUESTED, pursuant to L.R. 83-9.4, by and  
8 between the undersigned counsel for the parties, that the Chief Judge of the United  
9 States District Court for the Central District of California, in accordance with L.R.  
10 83-9.5, consult with Judge Schiavelli to establish a firm intended decision date by  
11 which the Court's decision shall be made.

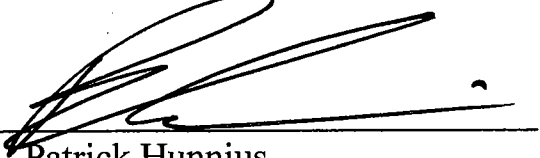
12 IT IS FURTHER JOINTLY REQUESTED, that, in accordance with L.R. 83-  
13 9.5, the setting of a final intended decision date be in writing, be filed in the case, and  
14 be served on the parties.

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Respectfully submitted,

DATED: April 30, 2008

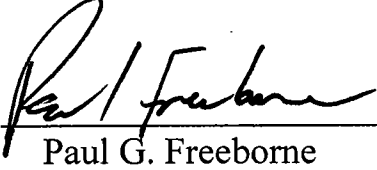
WHITE & CASE LLP

By:   
Patrick Hunnius

Attorneys for Plaintiff Log Cabin Republicans

DATED: April 30, 2008

U.S. DEPARTMENT OF JUSTICE

By:  / by P.G.H.  
per affiance to  
Paul G. Freeborne

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

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 633 W. 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.

On April 30, 2008, I served the foregoing document(s) described as JOINT REQUEST TO CHIEF JUDGE FOR DECISION IN ACCORDANCE WITH LOCAL RULE 83-9.4; MEMORANDUM OF POINTS AND AUTHORITIES on the person(s) below, as follows:

Jeffrey Bucholtz  
Assistant Attorney General  
U.S. Department of Justice, Civil  
Division  
Federal Programs Branch  
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(BY MAIL) I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above and placed the envelope for collection and mailing at White & Case, LLP, Los Angeles, California, following our ordinary business practices. I am readily familiar White & Case's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

Executed on April 30, 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.

  
Diane M. Petrek