

1 BENJAMIN B. WAGNER
 United States Attorney
 2 YOSHINORI H. T. HIMEL
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, California 95814
 4 Telephone: (916) 554-2760

5 Attorneys for Defendant
 UNITED STATES DEPARTMENT OF HOMELAND SECURITY

8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA

11 NOSSAMAN, LLP,
 12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT
 OF HOMELAND SECURITY,
 15 Defendant.
 16

1:10-cv-1627-OWW-SKO

**HOUSEKEEPING STIPULATION
 AND ORDER**

17
 18 NOSSAMAN, LLP, plaintiff, and the UNITED STATES DEPARTMENT OF
 19 HOMELAND SECURITY, defendant, stipulate as follows, subject to the Court's
 20 approval as provided for hereon.

21 1. In light of paragraphs 2 and 3, below, defendant's motion filed October 20,
 22 2010, and set for hearing November 29, 2010, before Judge Wanger, is resolved and
 23 therefore is taken off calendar.

24 2. The plaintiffs other than NOSSAMAN, LLP voluntarily dismissed their claims
 25 during the pendency of a motion to dismiss for lack of standing. They do not intend to
 26 bring the claims again. Accordingly, the case caption shall mention only NOSSAMAN,
 27 LLP as the plaintiff.

28 3. Defendant waives its objections to the sufficiency of service of process.

1 4. The parties are making efforts to resolve the case voluntarily and wish to
2 conserve their and the Court's resources.

3 5. To conserve resources, defendant waives any contention that plaintiff must file
4 an administrative appeal in response to the FOIA final response letter dated October 19,
5 2010, a copy of which is attached to the filing of October 20, 2010.

6 6. The parties recognize that most FOIA cases are decided on a motion for
7 summary judgment. Defendant intends to ask for the Court to set a filing date for a
8 dismissal and summary judgment motion at the Scheduling Conference set for January 26,
9 2010. Because the complaint is lengthy and preparing an answer at this time is
10 inconsistent with the parties' wish to conserve resources, defendant's obligation to serve
11 an answer is extended until the seventh day after the Scheduling Conference.

12 7. For the Court's information (not action on this stipulation), defendant
13 contemplates asking at the Scheduling Conference to reset the answer date to the date to
14 file the dismissal and summary judgment motion, as extended by operation of Fed. R.
15 Civ. P. 12(a)(4). Plaintiff contemplates opposing any request made at the Scheduling
16 Conference to reset the answer date to the date to file Defendant's dismissal and summary
17 judgment motion because the admissions and denials made in Defendant's answer are
18 required for Plaintiff to bring its own dispositive motion in light of Defendant's responses.

19
20 Dated: October 29, 2010

NOSSAMAN, LLP

21
22 By: /s/ Paul S Weiland
PAUL S. WEILAND
ROBERT C. HORTON
Attorneys for Plaintiffs

23
24 Dated: October 29, 2010

BENJAMIN B. WAGNER
United States Attorney

25
26 By: /s/ Y Himel
YOSHINORI H. T. HIMEL
Assistant U. S. Attorney
Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: November 2, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28