

1 BENJAMIN B. WAGNER
 United States Attorney
 2 YOSHINORI H. T. HIMEL
 Assistant U.S. Attorney
 3 301 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-01627-OWW-DLB

**STIPULATION AND ORDER TO
 VACATE SUMMARY JUDGMENT
 SCHEDULE TO PROMOTE
 SETTLEMENT**

Date: September 12, 2011
 Time: 10:00 AM
 Ctrm: 3 (3rd Fl., OWW)

17
 18 The parties are making progress toward settling the captioned FOIA lawsuit. In
 19 particular, although they differ on a number of legal issues, they believe they have arrived
 20 at a practical framework that addresses the needs of both sides and that shows promise of
 21 resolving the litigation. Although the Amended Scheduling Conference Order filed
 22 February 14, 2011, sets a schedule for declaration filing and summary judgment argument
 23 from May 20, 2011, to September 12, 2011, the litigation will be detrimental to further
 24 settlement progress. Instead, the parties believe that the most beneficial course would be
 25 for the Court to stay the action but maintain control by setting a status conference and a
 26 filing date for a joint status report.

27 The parties therefore jointly request, subject to the Court's approval as provided for
 28 hereon, as follows:

1 1. That the dates in the Amended Scheduling Conference Order filed February 14,
2 2011, be and are VACATED and the action STAYED except as follows.

3 2. That a Status Conference be and is SET before Judge Dennis L. Beck for July
4 14, 2011, at 9:30 AM.

5 3. That by June 30, 2011, the parties shall file a joint status report stating whether
6 they have settled the case; if not, stating whether they wish to continue the status
7 conference; and if not, covering the matters specified in the Order Setting Mandatory
8 Scheduling Conference filed September 9, 2010.

9 Dated: May 16, 2011

NOSSAMAN, LLP

10 By: /s/ Robt Horton
11 PAUL S. WEILAND
12 ROBERT C. HORTON
Attorneys for Plaintiffs

13 Dated: May 16, 2011

BENJAMIN B. WAGNER
United States Attorney

14 By: /s/ Y Himel
15 YOSHINORI H. T. HIMEL
16 Assistant U. S. Attorney
Attorneys for Defendant

17 ORDER

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19 IT IS SO ORDERED.

20 Dated: May 17, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE