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15 Attorneys for Truthout

16 **UNITED STATES DISTRICT COURT**

17 **EASTERN DISTRICT OF CALIFORNIA**

18	TRUTHOUT,	*	Case No.: 2:12-cv-02601 (LKK) (CKD)
		*	
19	Plaintiff,	*	
		*	
20	v.	*	<b>CONSENT MOTION FOR</b>
		*	
21	DEPARTMENT OF JUSTICE,	*	<b>TEMPORARY STAY</b>
		*	
22	Defendant.	*	
		*	
23	* * * * *	*	

24 NOW COMES Plaintiff to respectfully request a stay of the briefing of Defendant's  
 25 Motion for Summary Judgment (filed Sept. 9, 2013) until the Court has resolved a preliminary  
 26 Motion being filed tomorrow by Plaintiff.

27 Plaintiff has good cause to request this stay. Defendant filed an *in camera, ex parte*  
 28 Declaration of David Hardy in support of its Motion for Summary Judgment, and Plaintiff  
 29 maintains that this Declaration should not be accepted *in camera* and *ex parte* by the Court, as it

1 essentially deprives Plaintiff of the ability to challenge Defendant's withholding determinations.  
2 Accordingly, Plaintiff will file a Motion to Strike the *In Camera, Ex Parte* Declaration or, in the  
3 Alternative, to File It on the Public Record tomorrow. Because the resolution of this Motion in  
4 Plaintiff's favor would significantly affect the briefing of Defendant's Motion for Summary  
5 Judgment, the parties agree that it is in the interest of judicial economy to resolve the Motion to  
6 Strike before continuing to brief the Motion for Summary Judgment.

7 Defendant consents to this Motion.

8 Date: December 10, 2013

NATIONAL SECURITY COUNSELORS

9 By: /s/ Kelly McClanahan

Kelly McClanahan

10 Attorney for Truthout

11  
12  
13 **ORDER**

14  
15 It is APPROVED and SO ORDERED.

16  
17 Dated: December 12, 2013

18  
19 

LAWRENCE K. KARLTON

20 SENIOR JUDGE

21 UNITED STATES DISTRICT COURT