

1 BARRY E. HINKLE, Bar No. 071223
 NINA FENDEL, Bar No. 109029
 2 ROBERTA D. PERKINS, Bar No. 153074
 WEINBERG, ROGER & ROSENFELD
 3 A Professional Corporation
 1001 Marina Village Parkway, Suite 200
 4 Alameda, California 94501
 Telephone (510) 337-1001
 5 Fax (510) 337-1023
 E-Mail: bhinkle@unioncounsel.net
 6 nfendel@unioncounsel.net
 rperkins@unioncounsel.net

7 Attorneys for Plaintiff

8 BENJAMIN B. WAGNER
 United States Attorney
 9 YOSHINORI H. T. HIMEL #66194
 Assistant United States Attorney
 10 501 I Street, Suite 10-100
 11 Sacramento, CA 95814
 Telephone: (916) 554-2760
 12 Facsimile: (916) 554-2900
 Email: yoshinori.himel@usdoj.gov

13 Attorneys for Defendant

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 15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

18 LABORERS' INTERNATIONAL UNION OF
 NORTH AMERICA PACIFIC SOUTHWEST
 19 REGION,

20 Plaintiff,

21 v.

22 U.S. DEPARTMENT OF ENERGY,

23 Defendant.
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No. 2:13-CV-02204 MCE-DAF
**STIPULATION AND ORDER
 RESETTING SCHEDULE**

1 The parties, by and through their undersigned counsel, hereby recite and stipulate, subject
2 to the Court's approval as provided for herein, as follows:

3 RECITALS

4 1. The issue remaining to be decided, after the stipulated issue-limiting Orders, filed
5 February 11 and March 26, 2014, is the merits of the FOIA Exemption 4 withholding.

6 2. The parties' discussions of possible arrangement outside the action with potential
7 to moot past and future FOIA requests for records, including the request at issue in this action
8 were not productive and Defendant filed its motion for summary judgment on July 31, 2014, in
9 accord with the Stipulation and Order Resetting Schedule entered on May 1, 2014, ECF 18.

10 3. Scheduling conflicts and the unavailability of certain declarants have arisen such
11 that it is not possible for Plaintiff to submit its opposition to the motion by August 22, 2014, and
12 to attend the hearing currently scheduled on September 18, 2014.

13 4. Deferring the briefing set by stipulated Order filed on May 1, 2014 would resolve
14 the current issues and does not prejudice the parties.

15 STIPULATIONS

16 1. This stipulation shall substitute for the Order Resetting Schedule filed on May 1,
17 2014.

18 2. Plaintiff's opposition to Defendant's motion for summary judgment shall be filed
19 by October 3, 2014.

20 3. Defendant's reply to Plaintiff's opposition shall be filed by October 31, 2014.

21 4. Hearing before Judge England shall be held on November 13, 2014 at 2:00 p.m.

22 Dated: August 20, 2014

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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25 By: /s/ Roberta D. Perkins
ROBERTA D. PERKINS

Attorneys for Plaintiff

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Dated: August 20, 2014

BENJAMIN B. WAGNER
United States Attorney


By: /s/ Yoshinori H. T. Himel
YOSHINORI H. T. HIMEL
Assistant United States Attorney
(as authorized on August 20, 2014)

Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: September 4, 2014


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT