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Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AMALGAMATED TRANSIT UNION,  
INTERNATIONAL, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
LABOR, et al.,

Defendants,

STATE OF CALIFORNIA,

Defendant-Intervenor,

**CASE NO. 2:20-cv-00953-KJM-DB**

**STIPULATION AND REQUEST TO MODIFY  
BRIEFING SCHEDULE ON CROSS-MOTIONS  
FOR SUMMARY JUDGMENT**

This Stipulation and Request is entered into by and between the parties, Plaintiffs Amalgamated Transit Union International, et al. (“Plaintiffs”), Defendants United States Department of Labor and Secretary of Labor Eugene Scalia (“Federal Defendants”), and the State of California (“Defendant-Intervenor”), through their respective undersigned counsel based on the following facts.

1. On September 4, 2020, this Court ordered a briefing schedule on cross-motions for summary judgment. Under that schedule, Plaintiffs have filed their motion for summary judgment on October 2, 2020, and the separate cross-motions of Defendants and Intervenor-Defendant are due

1 today, November 17, 2020.

2           2. Counsel for Federal Defendants today identified a previously unanticipated issue that  
3 may affect the contours of their legal arguments. In order to allow Federal Defendants to fully  
4 present their position, as well as to allow appropriate time for internal review, Federal Defendants  
5 respectfully seek an additional thirty days to file their cross-motion for summary judgment.

6           3. Accordingly, the parties seek to modify the current briefing schedule by extending all  
7 deadlines by approximately thirty days for each brief. Federal Defendants' and Defendant-  
8 Intervenor's separate cross-motions for summary judgment shall be filed by December 18, 2020.  
9 Plaintiffs' consolidated reply and opposition brief shall be filed by January 18, 2021. Federal  
10 Defendants' and Defendant-Intervenor's reply briefs shall be filed by February 24, 2021.

11           4. In the interest of judicial economy, all parties also request that both the February 12  
12 hearing on Plaintiffs' pending summary judgment motion and the Case Management Conference set  
13 for that same date be continued to the first available hearing date before this Court falling at least  
14 two weeks after February 24, 2021.

15 Dated: November 17, 2020

Respectfully submitted,

17 BREDHOFF & KAISER, P.L.L.C.

18 */s/ Andrew D. Roth*  
19 (as authorized on November 17, 2020)

20 ANDREW D. ROTH  
21 *Attorneys for Plaintiffs*

1 Dated: November 17, 2020

2 JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General

3 BRAD P. ROSENBERG  
Assistant Branch Director

4 /s/ Peter M. Bryce

5 PETER M. BRYCE  
6 Senior Trial Counsel  
7 *Attorney for Defendants*

8  
9  
10 Dated: November 17, 2020

XAVIER BECERRA  
Attorney General of California  
PAUL STEIN  
Supervising Deputy Attorney General

11  
12 /s/ Anna Ferrari  
13 (as authorized on November 17, 2020)

14 ANNA FERRARI  
15 Deputy Attorney General  
*Attorneys for Defendant-Intervenor*

16  
17 **ORDER**

18 Pursuant to stipulation, IT IS SO ORDERED. Federal Defendants' and Defendant-  
19 Intervenor's separate cross-motions for summary judgment shall be filed by December 18, 2020.  
20 Plaintiffs' consolidated reply and opposition brief shall be filed by January 18, 2021. Federal  
21 Defendants' and Defendant-Intervenor's reply briefs shall be filed by February 24, 2021. In the  
22 interests of judicial economy, the February 12, 2021 hearing on Plaintiffs' pending summary  
23 judgment motion, and the Case Management Conference set for that same date, is continued until the  
24 first hearing date before this Court falling at least two weeks after February 24, 2021.

25 DATED: November 18, 2020.

26   
27 \_\_\_\_\_  
28 CHIEF UNITED STATES DISTRICT JUDGE