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18 Attorneys for Plaintiffs

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 20 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 FAITH CENTER CHURCH  
 22 EVANGELISTIC MINISTRIES, et al.,

23 Plaintiffs,

24 v.

25 FEDERAL D. GLOVER, et al.,

26 Defendants.

27 CASE NO. C-04-3111 JSW

**PLAINTIFFS' SECOND UNOPPOSED  
 MOTION TO EXTEND THE DEADLINE  
 FOR EARLY NEUTRAL EVALUATION**

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1 Under ADR Local Rule 5-5, Plaintiffs, through their counsel, move for leave of Court  
2 to extend the deadline for conducting an Early Neutral Evaluation (“ENE”) Session. The  
3 parties are currently scheduled for an ENE session on June 22, 2005. Defendants recently  
4 informed Plaintiffs that they intend to file a Notice of Appeal in this case as a result of this  
5 Court’s Order Granting Plaintiffs’ Motion for a Preliminary Injunction. Consequently, the  
6 parties do not believe that ENE will “deliver benefits to the parties sufficient to justify the  
7 resources consumed by its use” at this point in the litigation. *See* ADR Local Rule 3-2.

8 The parties respectfully request that the deadline of June 22, 2005 to conduct an ENE  
9 session be postponed until 30 days after the expiration of any time period for appeal of the  
10 preliminary injunction, or, if the preliminary injunction order is appealed as Defendants  
11 currently intend, until 30 days after all appeals of the preliminary injunction order are  
12 completed in this case, whichever is later.

13 While ADR Local Rule 5-5 states that a motion to extend an ENE deadline shall be  
14 made no later than 15 days before the session is to be held, the parties request that the Court  
15 waive this requirement because the consideration prompting this motion is a recent  
16 development. Also, Plaintiffs notified the Evaluator that they would be filing a motion  
17 concerning the ENE date, in order to avoid the needless expenditure of the Evaluator’s time in  
18 preparation for the June 22, 2005 ENE session.

19 In addition, Plaintiffs request that the Court waive the requirement under Local Rule  
20 7-2 that this motion be noticed for hearing not less than 35 days after service of the motion.  
21 Due to the timing of the ENE session, the Court’s recent order, and Defendants’ decision to  
22 appeal, Plaintiffs respectfully request that the Court rule on this matter prior to the June 22,  
23 2005 ENE session.

24 The parties concur in this request.

25 For these reasons, Plaintiffs respectfully request that the Court grant this second  
26 unopposed motion to extend the deadline for ENE.  
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Respectfully submitted this 13<sup>th</sup> of June, 2005.

By: /s/ Elizabeth A. Murray  
Attorney for Plaintiffs