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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

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16 JOSHUA GERSTEIN,)

17 Plaintiff,)

18 v.)

19 CENTRAL INTELLIGENCE AGENCY,)
et al.,)

20 Defendant.)

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Case No. C 06-04643 MMC

**STIPULATION TO EXTEND
DEADLINE FOR FILING CASE
MANAGEMENT REPORT AND TO
CONTINUE CASE MANAGEMENT
CONFERENCE AND ~~PROPOSED~~
ORDER**

22 The parties hereby stipulate to extend the deadline for filing the Joint Case Management

23 Report, which is currently due October 9, 2009, and to continue the case management conference

24 set for October 16, 2009. The bases for this stipulation are as follows:

- 25 1. As of March 6, 2009, the following motions were fully briefed and submitted to the
- 26 Court: defendant's renewed motion for summary judgment; plaintiff's motion for partial summary
- 27 judgment against defendant Central Intelligence Agency; and plaintiff's motion to modify
- 28

1 stipulation and order dismissing certain pending claims. These motions address all issues
2 presently outstanding in this case.

3 2. By order dated July 30, 2009, the Court set the above-noted case management report
4 and conference dates.

5 3. Inasmuch as the Court has yet to issue decisions with respect to the pending motions, it
6 is difficult for the parties to identify the issues that may remain in the case for purposes of drafting
7 and filing a case management report. Similarly, without knowing the extent to which issues may
8 remain in the case after the Court decides the pending motions, it does not make sense to hold a
9 case management conference.

10 4. For these reasons, the parties request that the present deadlines be vacated and that the
11 case management report currently due on October 9, 2009 be deferred until two weeks after the
12 Court rules on the pending motions. The parties further request that a case management
13 conference be scheduled at the Court's first regular Friday 10:30 a.m. session at least three weeks
14 after the Court rules on the pending motions.

15 Respectfully submitted,

16 JOSHUA GERSTEIN

TONY WEST
Assistant Attorney General

17
18 /s/
19 _____
Plaintiff

/s/

Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
Civil Division
Federal Programs Branch

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23 Dated: October 9, 2009

Dated: October 9, 2009

~~PROPOSED~~ ORDER

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Upon consideration of the parties' stipulation, the case management report presently due one week before the next scheduled case management conference. on October 9, 2009 shall be due ~~two weeks after the Court rules on the pending motions.~~ The case management conference, which is presently scheduled for October 16, 2009, is ~~continued to~~ hereby VACATED, and will be reset by the Court, as necessary, following the Court's ruling on the pending motions. ~~the Court's first regular Friday 10:30 a.m. session at least three weeks after the Court rules on the pending motions.~~

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 14, 2009


MAXINE M. CHESNEY
United States District Judge