

1 TONY WEST
Assistant Attorney General

2 JOSEPH P. RUSSONIELLO
United States Attorney

3 ELIZABETH J. SHAPIRO
Deputy Branch Director

4 CARLOTTA P. WELLS
Senior Trial Counsel

5 United States Department of Justice

6 Civil Division

7 Federal Programs Branch

8 Post Office Box 883

9 Washington D.C. 20044

10 Tel: (202) 514-4522

11 Fax: (202) 616-8470

12 carlotta.wells@usdoj.gov

13 Attorneys for Defendants

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

17 JOSHUA GERSTEIN,)

18 Plaintiff,)

19 v.)

20 CENTRAL INTELLIGENCE AGENCY,)

21 et al.,)

22 Defendant.)

Case No. C 06-04643 MMC

AND ORDER

STIPULATION TO EXTEND

DEFENDANTS' BRIEFING DEADLINE

FOR FILING RENEWED MOTION

AND SUMMARY JUDGMENT AND

MEMORANDUM IN SUPPORT

THEREOF

23 The parties hereby stipulate to a three-week extension, until April 23, 2010, of the April 2,

24 2010 deadline for defendants' renewed motion for summary judgment, which was set pursuant to

25 the Court's February 23, 2010 Order. The bases for this stipulation are as follows:

26 1. On February 23, 2010, the Court issued an Order granting in part and denying in part

27 defendants' renewed motion for summary judgment regarding plaintiff's request to the

28 Department of Justice's Office of Professional Responsibility (OPR) under the Freedom of

Information Act (FOIA). Plaintiff's FOIA request sought documents relating to leaks of classified

STIP. TO EXTEND DEFS.' DEADLINE FOR RENEWED SJ
Case No. C 06-04643 MMC

1 information. With respect to certain of OPR's withholdings under FOIA exemptions 2, 5, 6, and
2 7(C), the Court denied the government's motion for summary judgment without prejudice,
3 allowing OPR until April 2, 2010 to file a renewed summary judgment motion.

4 2. On March 24, 2010, OPR advised defendants' counsel that more time was needed for
5 that component to review the documents at issue, determine the extent to which OPR could
6 produce at least some of the information that has been withheld in response to plaintiff's request,
7 and prepare a revised Vaughn declaration. OPR further informed counsel that the Vaughn
8 declarant would be out of the office part of the next week and that the OPR attorney will be on
9 leave the week of March 29, 2010.

10 3. Undersigned counsel also will be on leave the week of March 29. In addition, once
11 OPR has completed its review of the documents, government counsel intends to discuss with
12 plaintiff the extent to which the parties can narrow the scope of the information at issue.

13 4. For these reasons, defendants seek a three-week extension of time, or until April 23,
14 2010, to file a renewed motion for summary judgment.

15 5. Plaintiff stipulates to the request for a three-week extension of time for defendants to
16 file their papers.

17 Accordingly, the parties stipulate to extend the defendants' briefing deadline by three
18 weeks, or until April 23, 2010.

19 Respectfully submitted,

20 JOSHUA GERSTEIN

TONY WEST
Assistant Attorney General

21
22 /s/
23 _____
Plaintiff

21
22 /s/
23 _____
Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
Civil Division
Federal Programs Branch

24
25
26
27 Dated: March 26, 2010

Dated: March 26, 2010

[PROPOSED] ORDER

1 Upon consideration of the parties' stipulation, the briefing deadline set by the February 23,
2 2010 Order is extended by three weeks, to reflect that defendants' renewed motion for summary
3 judgment is due no later than April 23, 2010.

4 PURSUANT TO STIPULATION, IT IS SO ORDERED.

5
6 Dated: March 26, 2010


7 MAKINE M. CHESNEY
8 United States District Judge