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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 JOSHUA GERSTEIN,)
 15)
 Plaintiff,)
 16)
 v.)
 17)
 CENTRAL INTELLIGENCE AGENCY,)
 18 et al.,)
 19 Defendants.)
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Case No. C 06-04643 MMC
**ORDER ON
 STIPULATION TO EXTEND
 DEFENDANTS' BRIEFING DEADLINE
 FOR FILING RENEWED MOTION
 FOR SUMMARY JUDGMENT AND
 MEMORANDUM IN SUPPORT
 THEREOF**

21 The parties hereby stipulate to a one-week extension, until October 29, 2010, of the
 22 deadline for defendants to file a renewed motion for summary judgment. The current deadline,
 23 pursuant to the Court's September 17, 2010 Order (docket # 146), is October 22, 2010. The bases
 24 for this stipulation are as follows:

25 1. The Court's September 17, 2010 Order granted in part and denied in part defendants'
 26 renewed motion for summary judgment regarding plaintiff's request to the Department of

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

1 Justice's Office of Professional Responsibility (OPR) under the Freedom of Information Act
2 (FOIA). Plaintiff's FOIA request sought documents relating to leaks of classified
3 information. With respect to OPR's withholdings in four documents under FOIA exemptions 6
4 and 7(C), the Court denied the government's motion for summary judgment without prejudice,
5 allowing OPR the opportunity to file a renewed summary judgment motion and a more detailed
6 explanation for the withholdings.

7 2. OPR has completed its initial review of the pertinent documents and has preliminarily
8 determined to release the information at issue, which had been withheld in response to plaintiff's
9 FOIA request under exemptions 6 and 7(C). The information cannot be released, however, until
10 after other components within the U.S. Department of Justice indicate their approval for release.
11 The process of obtaining this approval has not been completed.

12 3. Assuming OPR has received approval to release the information in the four documents
13 withheld under exemptions 6 and 7(C), defendants will produce them to plaintiff. If produced,
14 then the outstanding issues in this case will be resolved.

15 4. In order to determine whether the information is authorized for release and, if not, to
16 allow sufficient time for the filing of a renewed motion for summary judgment, government
17 counsel informed plaintiff of the ongoing review of the information and the current status.
18 Plaintiff informed government counsel that he would stipulate to a one-week extension of time for
19 the filing of the government's motion for renewed summary judgment.

1 Accordingly, the parties stipulate to extend the defendants' briefing deadline by one week,
2 or until October 29, 2010.

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4 Respectfully submitted,

5 JOSHUA GERSTEIN

TONY WEST
Assistant Attorney General

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8 /s/
Plaintiff

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

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12 Dated: October 22, 2010

Dated: October 22, 2010

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28 STIP. TO EXTEND DEFS.' DEADLINE FOR RENEWED SJ


Case No. C 06-04643 MMC

1 ~~PROPOSED~~ ORDER

2 Upon consideration of the parties' stipulation, the briefing deadline set by the September
3 17, 2010 Order is extended by one week, to reflect that defendants' renewed motion for summary
4 judgment is due no later than October 22, 2010.

5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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7 Dated: October 25, 2010

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MAXINE M. CHESNEY
United States District Judge