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10 *Attorney for Defendants*

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

14	IN RE NATIONAL SECURITY AGENCY	
15	TELECOMMUNICATIONS RECORDS	
16	LITIGATION	
17	This Document Relates Only to:	
18	<i>Center for Constitutional Rights v. Obama</i> ,	
19	(Case No. 07-cv-1115-VRW)	

**No. 3:06-md-01791-VRW**  
  
**REVISED STIPULATION AND  
 REQUEST TO EXTEND AND  
 MODIFY BRIEFING  
 SCHEDULE**

Chief Judge Vaughn R. Walker

20 **RECITALS**

21 1. By order dated March 26, 2010 (Dkt. 720 in 06-md-1791, Dkt. 36 in 07-cv-1115),  
 22 the Court, upon consideration of the parties’ joint status report, set a schedule in this action for the  
 23 submission of cross dispositive motions by the parties under which defendants were to renew their  
 24 dispositive motion by April 28, 2010; plaintiffs were to file an opposition to defendants’ renewed  
 25 motion and renew plaintiffs’ cross-motion for summary judgment by May 28, 2010; defendants  
 26 were to reply and file an opposition to plaintiffs’ cross-motion by June 18, 2010; and plaintiffs  
 27 were to file a cross-reply by July 9, 2010.

1           2.       Counsel for the parties then stipulated (Dkt. 725 in 06-md-1791, Dkt. 37 in 07-cv-  
2 1115 (filed Apr. 27, 2010)) to a revised briefing schedule under which defendants were to renew  
3 their dispositive motion by May 27, 2010; plaintiffs were to file an opposition to defendants'  
4 renewed motion and renew plaintiffs' cross-motion for summary judgment by June 24, 2010;  
5 defendants were to reply and file an opposition to plaintiffs' cross-motion by July 15, 2010; and  
6 plaintiffs were to file a cross-reply by August 5, 2010. The Court issued an order adopting the  
7 revised briefing schedule pursuant to stipulation on April 28, 2010 (Dkt. 726 in 06-md-1791, Dkt.  
8 38 in 07-cv-1115).

9           3.       Defendants filed their renewed motion on May 27, 2010 (Dkt. 731 in 06-md-1791,  
10 Dkt. 39 in 07-cv-1115).

11           4.       Plaintiffs and defendants, through counsel, hereby submit this revised stipulation to  
12 extend the time for submission of plaintiffs' opposition and renewed motion, defendants' reply,  
13 and plaintiffs' cross-reply, and request that the Court make this stipulation an order of the Court.

14           5.       The enlargement of time is necessary to accommodate other litigation burdens on  
15 plaintiffs' counsel. Undersigned counsel, Mr. Kadidal, is the sole active attorney on this case and is  
16 also managing attorney of the Guantánamo litigation at CCR. Since the filing of the government's  
17 motion, another CCR attorney responsible for Guantánamo habeas litigation was incapacitated by  
18 illness and confined indefinitely to bed rest, making it impossible for that attorney to further litigate  
19 habeas cases (which would require visits to the base and to a secure facility in the Washington,  
20 D.C. area for access to classified factual information), and resulting in emergency reassignment of  
21 her habeas litigation responsibilities to Mr. Kadidal and one other attorney also already possessing  
22 security clearance.

23           6.       There has been one previous modification of the original schedule, as described  
24 above, which was stipulated to in order to accommodate burdens on defendants' counsel. No  
25 prejudice will result from the requested enlargement of time and, as there are no further deadlines  
26 currently scheduled in the case, it will not affect any other schedule for the case.

1 **REVISED STIPULATION**

2 The parties, through their undersigned counsel, hereby stipulate and agree to the following  
3 revised briefing schedule in this action: (i) plaintiffs must file an opposition to defendants' renewed  
4 motion and renew plaintiffs' cross-motion for summary judgment by July 22, 2010; (ii) defendants  
5 must reply and file an opposition to plaintiffs' cross-motion by September 2, 2010; (iii) plaintiffs  
6 may file a cross-reply by September 23, 2010. A proposed order is attached hereto.

7 Respectfully submitted,

8  
9 By: /s/Shayana Kadidal  
10 Shayana Kadidal  
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16 *Attorney for Plaintiffs*

17 MICHAEL F. HERTZ  
18 Deputy Assistant Attorney General

19 JOSEPH H. HUNT  
20 Director, Federal Programs Branch

21 VINCENT M. GARVEY  
22 Deputy Branch Director

23 By: /s/Anthony J. Coppolino per G.O. 45  
24 Anthony J. Coppolino  
25 Special Litigation Counsel

26 MARCIA BERMAN  
27 Senior Counsel

28 UNITED STATES DEPARTMENT OF JUSTICE  
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*Attorneys for Defendants*

June 17, 2010

**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

I, SHAYANA KADIDAL, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from the other signatory listed above (Anthony Coppolino, Attorney for Defendants).

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on June 17, 2010, in the City of New York, New York.

/s/Shayana Kadidal

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE NATIONAL SECURITY AGENCY  
TELECOMMUNICATIONS RECORDS  
LITIGATION

**No. 3:06-md-01791-VRW**

Judge: Hon. Vaughn R. Walker

This Document Relates Only to:  
*Center for Constitutional Rights v. Obama* ,  
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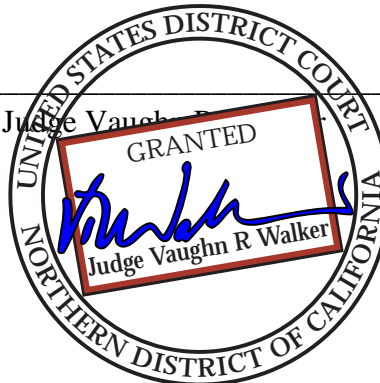
~~PROPOSED~~ ORDER

Upon consideration of the parties' revised stipulation and request to extend and modify the current briefing schedule in this action, and good cause appearing, the Court hereby revises the current briefing schedule set forth in the Court's Order adopting the revised briefing schedule pursuant to stipulation of April 28, 2010 (Dkt. 726 in 06-md-1791, Dkt. 38 in 07-cv-1115) as follows: the Court ORDERS that (i) plaintiffs must file an opposition to defendants' renewed motion and renew plaintiffs' cross-motion for summary judgment by July 22, 2010; (ii) defendants must reply and file an opposition to plaintiffs' cross-motion by September 2, 2010; (iii) plaintiffs may file a cross-reply by September 23, 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

DATE: 6/21/2010

Chief Judge Vaughn R. Walker



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**Certificate of Service**

I, Shayana Kadidal, certify that on June 17, 2010 (PDT), I caused the foregoing Revised Stipulation to be filed electronically on the ECF system and served via email on the counsel for defendants listed below.

Anthony J. Coppolino  
Special Litigation Counsel  
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Dated: June 17, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
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