

1 JEFFREY S. BUCHOLTZ
 Acting Assistant Attorney General
 2 JOSEPH P. RUSSONIELLO
 Interim United States Attorney
 3 RICHARD LEPLEY
 Assistant Branch Director
 4 DANIEL BENSING D.C. Bar No. 334268
 JAMES SCHWARTZ D.C. Bar No. 468625
 5 KYLE R. FREENY California Bar No. 247857
 Attorneys
 6 United States Department of Justice
 Civil Division, Federal Programs Branch

7 P.O. Box 883
 8 Washington, D.C. 20044
 Telephone: (202) 305-0693
 9 Facsimile: (202) 616-8460
 Email: Daniel.Bensing@USDOJ.gov

10 Attorneys for Defendants Hon. James B. Peake, the U.S. Department of Veterans Affairs, Hon.
 11 James P. Terry, Hon. Daniel L. Cooper, Bradley G. Mayes, Hon. Michael J. Kussman, Ulrike
 Willimon, the United States of America, Hon. Michael B. Mukasey, and Hon. William P.
 12 Greene, Jr.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO

16 VETERANS FOR COMMON SENSE and)
 17 VETERANS UNITED FOR TRUTH,)
 18 Plaintiffs,)
 19 v.)
 20 Hon. JAMES B. PEAKE, Secretary of)
 Veterans Affairs, *et al.*,)
 21 Defendants.)
 22)
 23)

No. C 07-3758-SC

**PROPOSED ORDER CONTINUING
 HEARING ON CHIEF JUDGE
 GREENE’S MOTION TO DISMISS AND
 ON MOTION FOR PROTECTIVE
 ORDER**

24 UPON CONSIDERATION of plaintiffs’ Administrative Motion for Adequate Time to
 25 Respond to New Legal Argument Raised on Reply, defendants’ Response thereto and the who
 26 record herein, it is hereby

27 ORDERED that, on or before March 28, 2008 plaintiffs may file a Sur-Reply to
 28 defendants’ Reply Memorandum in support of Chief Judge Greene’s Motion to Dismiss, D.E.

1 140, provided however that such Sur-Reply shall be limited to addressing the issue of judicial
2 immunity; and it is

3 FURTHER ORDERED that defendants may file a Response to plaintiffs' Sur-Reply by
4 April 4, 2008 and it is

5 FURTHER ORDERED that the hearing on Chief Judge Greene's Motion to Dismiss shall
6 be continued to April ____, 2008; and it is

7 FURTHER ORDERED that the hearing on the Motion for Protective Order to Stay
8 Discovery from the U.S. Court of Appeals for Veterans Claims shall be continued to the same
9 date as the hearing on Chief Judge Greene's Motion to Dismiss and Chief Judge Greene shall not
10 be required to respond to any discovery prior to that hearing.

11
12
13 _____
14 Date

13 _____
14 SAMUEL CONTI

15 Senior United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28