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

21 LORI GRAY, *et al.*,

22 Plaintiffs,

23 v.

24 GOLDEN GATE NATIONAL  
 25 RECREATION AREA, *et al.*,

26 Defendants.

Case No. 3:08cv00722 (EDL)

**STIPULATION AND REQUEST TO  
 EXTEND DEADLINES FOR REMAINING  
 SUMMARY JUDGMENT BRIEFS  
 AS MODIFIED**

1 Pursuant to Local Civil Rule 6-2, the parties stipulate to seek an extension of ten (10)  
2 days, until and including September 21, 2012, for Defendants to file their combined opposition  
3 to Plaintiffs' motion for summary judgment and cross-motion for summary judgment, and  
4 corresponding extensions to the remaining two briefing deadlines. This stipulation is  
5 accompanied by a proposed order and by the Declaration of Jesse Z. Grauman ("Grauman  
6 Decl."), which details the reasons for the requested extensions and provides the other  
7 information required by Local Civil Rule 6-2(a).

8 On April 5, 2012, the Court ordered that dispositive motions be served and filed by  
9 August 14, 2012, that an opposition and a cross-motion for summary judgment be filed by  
10 September 11, 2012, that a combined cross-opposition and reply be filed on October 9, 2012, and  
11 that a reply to the cross-motion be filed on November 6, 2012. (ECF No. 138 at 3.)<sup>1</sup> On August  
12 14, 2012, Plaintiffs moved for summary judgment. (ECF No. 171.)

13 The parties stipulate to request an extension of ten days for Defendants to file their  
14 combined opposition and cross-motion, until and including September 21, 2012, and  
15 corresponding ten-day extensions to the remaining two briefing deadlines. The grounds for the  
16 stipulated request are that unanticipated impediments to the completion of the briefs and  
17 supporting declarations recently have arisen for two of Defendants' attorneys and one of  
18 Defendants' experts. Bonnie Prober, lead counsel for Defendants, is expecting a child on  
19 September 27, 2012, and, due to complications related to her pregnancy and physician-ordered  
20 restrictions, unexpectedly has been required to miss significant periods of work. Grauman Decl.  
21 ¶ 5. Additionally, over the Labor Day weekend, a member of Brian Kennedy's family passed  
22 away. *Id.* ¶ 7. Mr. Kennedy, who will be serving as lead counsel during Ms. Prober's absence,  
23 will be traveling to Pittsburgh, Pennsylvania for the funeral, and will be unable to work on this  
24 matter for a minimum of two days this week. *Id.* ¶¶ 6-7. In addition, Kim Blackseth,

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26 <sup>1</sup> The Court's Order did not specifically state the order in which the parties would proceed; however, the parties  
27 agreed that Plaintiffs would file their motion on August 14 and their combined opposition and reply on October 9,  
28 and that Defendants would file their combined opposition and cross-motion on September 11 and their reply on  
November 6. The Court later clarified this sequence on July 24, 2012. (ECF No. 167.)

1 defendants' access expert, has been hospitalized for an extended period and has therefore been  
2 unavailable to assist in the preparation of papers in accordance with the current schedule.<sup>2</sup> Id.  
3 ¶ 8. Finally, Defendants are requesting ten (10) days, rather than a shorter period of time, due to  
4 the religious holiday of Rosh Hashanah, which will take place on September 17-18; four of  
5 Defendants' attorneys expect to be out of the office for either or both of those days due to their  
6 observance of the holiday. Id. ¶ 10 & n.1.<sup>3</sup>

7 For the above reasons, the parties stipulate to request an extension for Defendants to file  
8 their opposition and cross-motion from September 11, 2012 until September 21, 2012. To  
9 accommodate the remaining deadlines for the completion of summary judgment briefing, the  
10 parties stipulate to request that the deadline for Plaintiffs' combined opposition and reply brief,  
11 currently October 9, 2012, be extended to October 19, 2012, and that the deadline for  
12 Defendants' reply brief, currently November 6, 2012, be extended to November 16, 2012. The  
13 parties do not seek to modify the date for the hearing on the parties' motions, which is currently  
14 scheduled for December 4, 2012, unless of course the Court wishes to extend that hearing date in  
15 light of the modified briefing schedule.

16 This stipulation is made in good faith and not for the purpose of delay, and is not  
17 expected materially to affect the litigation schedule or the disposition, by way of motion or trial,  
18 of this action. Thus, the undersigned parties, by and through their counsel of record, hereby  
19 respectfully request that the Court enter the Proposed Order submitted herewith.

20 IT IS SO STIPULATED.

21 DATED: September 5, 2012

DEPARTMENT OF JUSTICE

22  
23  
24 /S/ Jesse Z. Grauman  
Jesse Z. Grauman

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26 <sup>2</sup> Additionally, Defendants' supervising attorney, Stuart Licht, will be out of the office for trial in another matter,  
Deron Sch. of N.J. v. USDA, No. 09-3477 (D.N.J.), beginning on September 10, 2012. Grauman Decl. ¶ 9.

27 <sup>3</sup> These attorneys will also be observing the holiday of Yom Kippur on September 26, 2012; however, because this  
28 date is beyond the period of time that is the subject of the instant motion, Defendants do not foresee any scheduling  
complications related to this holiday.

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Attorney for Defendants

DATED: September 5, 2012

DISABILITY RIGHTS ADVOCATES

/S/ Ronald Ellsberry  
Ronald Ellsberry  
Attorney for Plaintiffs

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

~~(Proposed)~~ ORDER

Upon the stipulation of the parties and for good cause shown, the Court ORDERS that the deadlines for the parties remaining summary judgment briefs be extended as follows:

- 1) Defendants will file their combined opposition to Plaintiffs' motion for summary judgment and cross-motion for summary judgment by Friday, September 21, 2012;
- 2) Plaintiffs will file their combined reply and cross-opposition by Friday, October 19, 2012; and
- 3) Defendants will file their reply by November 16, 2012.
- 4) **Hearing on the motions shall be continued to December 17, 2012, at 10:00 a.m.**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 6, 2012

