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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO

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14 ELECTRONIC FRONTIER FOUNDATION, 15 Plaintiff, 16 v. 17 OFFICE OF THE DIRECTOR OF NATIONAL 18 INTELLIGENCE and UNITED STATES 19 DEPARTMENT OF JUSTICE 20 Defendants,) Nos. 08-2997, 08-1023 JSW)) STIPULATION TO CONTINUE) CASE MANAGEMENT) CONFERENCE AND ORDER THEREON)))))))
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21 THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(b), 6-2, and 7-12,
 22 that the Case Management Conference currently set for July 2, 2010, shall be continued to July
 23 23, 2010. In support of this stipulation, the parties state the following:

- 24 1. On May 3, 2010, the United States Court of Appeals for the Ninth Circuit issued
 25 the mandate in this case, giving effect to the Ninth Circuit's judgment entered on
 26

27 Stipulation to Continue Case Management Conference , Case Nos. 08-2997, 08-1023 (JSW)

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1 February 9, 2010. In that opinion, the Ninth Circuit vacated this Court's denial of
2 summary judgment for the Government and grant of summary judgment for
3 plaintiff EFF as to FOIA Exemptions 3 and 5, and remanded for consideration of
4 these exemptions consistent with the court's opinion.

5 2. On May 5, 2004, the Court set a Case Management Conference for July 2, 2010,
6 at 1:30 p.m.

7 3. The parties have been actively discussing this case. Defendants agreed to provide
8 revised Vaughn indexes to EFF showing the information that the Government is
9 currently withholding, and EFF agreed to inform the Government which of the
10 current withholdings EFF is challenging. Defendants produced the revised
11 Vaughn indexes, along with some discretionary releases, to EFF, and EFF is
12 currently conducting its review. The parties believe that this process will be
13 beneficial in proposing a briefing schedule to the Court and in having a
14 productive Case Management Conference, and therefore stipulate to continue the
15 Case Management Conference for three weeks to allow the completion of this
16 process.

17 4. Accordingly, to promote judicial efficiency and facilitate resolution of this
18 litigation, the parties stipulate to continue the Case Management Conference from
19 July 2, 2010 to July 23, 2010, at 1:30 p.m. or a time convenient for the Court.
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21 Dated: June 23, 2010

Respectfully submitted,

22 TONY WEST
Assistant Attorney General

23 JOHN TYLER
Assistant Director, Federal Programs Branch

24 /s/ Marcia Berman
25 MARCIA BERMAN (PA Bar No. 66168)
26 Senior Counsel, U.S. Department of Justice

27 Stipulation to Continue Case Management Conference , Case Nos. 08-2997, 08-1023 (JSW)

GENERAL ORDER NO. 45(X) CERTIFICATION

I attest that I have obtained Marcia Hofmann's concurrence in the filing of this document.

/s/ Marcia Berman

MARCIA BERMAN

PURSUANT TO STIPULATION, IT IS ORDERED that the Case Management Conference is continued from July 2, 2010 to July 23, 2010, at 1:30 p.m. ~~or a time convenient for the Court.~~ The joint case management conference statement shall be due on or before July 16, 2010.

June 23, 2010

DATED: _____



Honorable Jeffrey S. White
United States District Judge