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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 ) ) <b>SECOND STIPULATION TO</b> ) <b>CONTINUE CASE MANAGEMENT</b> ) <b>CONFERENCE AND ORDER THEREON</b> ) ) ) ) ) ) ) )
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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 23, 2010, shall be continued to  
 23 September 10, 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  
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27 Second 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. On June 23, 2010, the parties filed a stipulation asking the Court to continue the  
8 Case Management Conference to July 23, 2010. The parties explained that they  
9 needed the additional time to complete a process in which they were jointly  
10 engaged of determining the issues that remain for litigation. The parties sought a  
11 continuation of the Case Management Conference to promote judicial efficiency  
12 and facilitate resolution of the litigation.

13 4. On June 24, 2010, the Court granted the parties' stipulation and continued the  
14 Case Management Conference to July 23, 2010. The Court further ordered that  
15 the joint case management conference statement shall be due on or before July 16,  
16 2010.

17 5. The parties have completed the exchange of information that was referenced in  
18 the prior stipulation, and they are now actively engaged in settlement  
19 negotiations. The parties request that the Court continue the Case Management  
20 Conference scheduled for July 23, 2010, to September 10, 2010, to facilitate the  
21 parties' efforts to resolve this case without further litigation.  
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23 Dated: July 14, 2010

Respectfully submitted,

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

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