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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO
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14 _____) No. 08-2997 JSW
ELECTRONIC FRONTIER FOUNDATION,)
15 Plaintiff,) **STIPULATION FOR COURT**
16 v.) **ORDER PRODUCTION SCHEDULE**
OFFICE OF THE DIRECTOR OF NATIONAL) **AND TO EXTEND TIME TO FILE**
18 INTELLIGENCE and UNITED STATES) **MOTION FOR SUMMARY**
DEPARTMENT OF JUSTICE) **JUDGMENT AND ORDER THEREON**
19 Defendants,)
20 _____)

21 THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(a) and 7-12, that
22 the Court shall grant the National Security Division of the Department of Justice (“NSD”) an
23 extension to complete processing plaintiff’s Freedom of Information Act requests that are the
24 subject of the above-captioned case, and order NSD to complete the processing by October 31,
25 2008. The parties further stipulate that the filing deadline for defendants to file their motion for
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27 Stipulation for Court Order Production Schedule and to Extend Time to File Motion for Summary Judgment , C 08-
28 2997 (JSW)

1 summary judgment shall be reset from November 7, 2008 to November 21, 2008, and that the
2 accompanying briefing schedule shall also be reset. In support of this stipulation the parties state
3 the following:

- 4 1. On September 24, 2008, this Court entered an order that “Defendants shall
5 complete the processing of Plaintiff’s Freedom of Information Act (“FOIA”)
6 requests that are the subject of C 08-2997 (JSW) by October 10, 2008.” (Case No.
7 3:08-cv-08-2997-JSW, Dkt. No. 19).
- 8 2. NSD, one of the entities that is a recipient of Plaintiff’s FOIA requests, has
9 discovered after consulting with the other recipients of Plaintiff’s FOIA requests
10 that are the subject of this litigation that NSD may have additional documents
11 within its possession that are responsive to the request. Accordingly, NSD has
12 expanded its search and has discovered thousands of pages that are potentially
13 responsive. Although many of these pages may ultimately be determined to not
14 be responsive, NSD considers that it needs until October 31 to complete
15 processing the documents it is gathering from its expanded search. See
16 Declaration of Charles M. Steele (attached).
- 17 3. This extension until October 31, 2008 for NSD to complete processing the
18 documents discovered in the expanded search will not affect the October 10, 2008
19 deadline for the other recipients of EFF’s FOIA requests which are subject to this
20 litigation.
- 21 4. The alteration of the production schedule, however, affects the briefing schedule
22 stipulated by the parties and ordered by the Court. The parties stipulated, and the
23 Court ordered, for defendants to file by November 7, 2008 a consolidated
24 summary judgment motion for the FOIA requests that are the subject of this
25 litigation and Civil Action Number 08-1023 (JSW). (Case No. 3:08-cv-08-1023-
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1 JSW, Dkt. Nos. 62, 64).

2 5. Because it will promote judicial efficiency and facilitate resolution of this
3 litigation to have one set of briefing on all of the records that are the subject of
4 this litigation, the parties now stipulate for defendants to file their motion for
5 summary judgment on November 21, 2008; plaintiff file its opposition brief and
6 cross-motion for summary judgment, if any, by December 23, 2008; defendants
7 file their opposition brief, if any, and reply by January 16, 2009; plaintiff file its
8 reply, if any, by January 30, 2009; and the Court notice the hearing on the cross-
9 motions for summary judgment for February 14, 2009, or for another date at the
10 Court's convenience.

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12 Dated: October 7, 2008

Respectfully submitted,

13 GREGORY G. KATSAS
Assistant Attorney General

14 JOHN TYLER
15 Senior Trial Counsel, Federal Programs Branch

16 /s/ Adam D. Kirschner
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1 /s/
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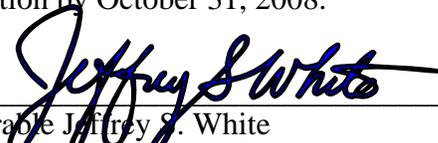
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8 **GENERAL ORDER NO. 45(X) CERTIFICATION**

9 I attest that I have obtained Kurt Opsahl's concurrence in the filing of this document.

10 /s/ Adam D. Kirschner
Adam D. Kirschner

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12 PURSUANT TO STIPULATION, IT IS ORDERED that the deadline for defendants'
13 consolidated motion for summary judgment for C 08-1023 (JSW) and C 08-2997 (JSW) be set
14 for November 21, 2008; the deadline for plaintiff to file its opposition brief and cross-motion for
15 summary judgment, if any, be set for December 23, 2008; the deadline for defendants to file their
16 opposition brief, if any, and reply be set for January 16, 2009; the deadline for plaintiff to file its
17 reply, if any, be set for January 30, 2009. It is FURTHER ORDERED that the Hearing on
February 27, 2009
18 Cross-Motions for Summary Judgment is set for ~~February 14, 2009~~ at 9:00 a.m. The National
19 Security Division of the Department of Justice is also ORDERED to complete processing of
20 plaintiff's FOIA request that is subject to this litigation by October 31, 2008.

21 DATED: October 8, 2008

22 
Honorable Jeffrey S. White
United States District Judge

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2997 (JSW)