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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO
12

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

21 THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(b), 6-2, and 7-12,
22 that the filing deadline for defendants to file their consolidated motion for summary judgment
23 shall be reset from November 21, 2008, to December 8, 2008, and that the accompanying
24 briefing schedule shall also be reset. In support of this stipulation, the parties state the
25 following:
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27 Stipulation to Extend Time to File Motion for Summary Judgment , C 08-2997 (JSW)
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- 1 1. On October 8, 2008, this Court ordered, pursuant to stipulation, that the deadline
2 for defendants' consolidated motion for summary judgment for C 08-1023 (JSW)
3 and C 08-2997 (JSW) be set for November 21, 2008; the deadline for plaintiff to
4 file its opposition brief and cross-motion for summary judgment, if any, be set for
5 December 23, 2008; the deadline for defendants to file their opposition brief, if
6 any, and reply be set for January 16, 2009; the deadline for plaintiff to file its
7 reply, if any, be set for January 30, 2009; and the Hearing on Cross-Motions for
8 Summary Judgment be set for February 27, 2009 at 9:00 a.m.
- 9 2. The parties have agreed that in an effort to narrow the scope of disputed issues
10 before the Court, defendants will provide copies of multiple preliminary Vaughn
11 indices to plaintiff in advance of filing their consolidated motion for summary
12 judgment. Plaintiff will then inform defendants of the scope of their challenges
13 under the FOIA and defendants will brief those issues accordingly.
- 14 3. The parties have further agreed to extend the summary judgment briefing
15 schedule by two weeks to accommodate this procedure.
- 16 4. Because it will promote judicial efficiency and facilitate resolution of this
17 litigation for the parties to attempt to narrow the scope of disputed issues prior to
18 defendants' filing their consolidated motion for summary judgment, the parties
19 now stipulate for defendants to file their motion for summary judgment on
20 December 8, 2008; for plaintiff to file its opposition brief and cross-motion for
21 summary judgment, if any, by January 9, 2009; for defendants to file their
22 opposition brief, if any, and reply by January 30, 2009; for plaintiff to file its
23 reply, if any, by February 13, 2009; and for the Court to notice the hearing on the
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1 cross-motions for summary judgment for March 13, 2009, at 9:00 a.m., or for
2 another date at the Court's convenience.

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4 Dated: November 19, 2008

Respectfully submitted,

5 GREGORY G. KATSAS
Assistant Attorney General

6 JOHN TYLER
7 Assistant Director, Federal Programs Branch

8 /s/ Marcia Berman
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27 Stipulation to Extend Time to File Motion for Summary Judgment , C 08-2997 (JSW)

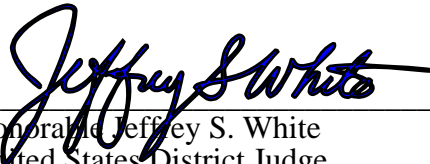
GENERAL ORDER NO. 45(X) CERTIFICATION

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

/s/ Marcia Berman
MARCIA BERMAN

PURSUANT TO STIPULATION, IT IS ORDERED that the deadline for defendants' consolidated motion for summary judgment for C 08-1023 (JSW) and C 08-2997 (JSW) be set for December 8, 2008; the deadline for plaintiff to file its opposition brief and cross-motion for summary judgment, if any, be set for January 9, 2009; the deadline for defendants to file their opposition brief, if any, and reply be set for January 30, 2009; and the deadline for plaintiff to file its reply, if any, be set for February 13, 2009. It is FURTHER ORDERED that the Hearing on Cross-Motions for Summary Judgment is set for March 13, 2009 at 9:00 a.m.

DATED: November 24, 2008



Honorable Jeffrey S. White
United States District Judge