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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO

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<p>14 ELECTRONIC FRONTIER FOUNDATION,</p> <p>15 Plaintiff,</p> <p>16</p> <p>17 v.</p> <p>18 OFFICE OF THE DIRECTOR OF NATIONAL</p> <p>19 INTELLIGENCE and UNITED STATES</p> <p>20 DEPARTMENT OF JUSTICE,</p> <p>21 Defendants.</p>	<p>) Nos. 08-2997 JSW & 08-1023 JSW</p> <p>)</p> <p>) STIPULATION TO EXPEDITE</p> <p>) MOTION FOR A 60-DAY STAY</p> <p>) PENDING APPEAL</p> <p>) DETERMINATION BY</p> <p>) SOLICITOR GENERAL</p> <p>) AND ORDER THEREON</p> <p>)</p> <p>)</p> <p>)</p>
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22 THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(b), 6-2, and 7-12, to

23 expedite the briefing and adjudication of Defendants’ Motion for a 60-Day Stay Pending Appeal

24 Determination by Solicitor General, filed concurrently herewith. Defendants’ Motion seeks a

25 60-day stay of the Court’s September 24, 2009 order, which ordered that “the improperly

26 withheld documents shall be disclosed by no later than October 9, 2009.” Dkt. No. 90.

27 Accordingly, it is necessary to expedite defendants’ Motion so that it is decided prior to the

28 October 9, 2009 disclosure deadline. The parties therefore stipulate that plaintiff’s response to

Stip. to Expedite Mtn for 60-Day Stay Pending Appeal Determination – C 08-2997 & 08-1023 (JSW)

1 defendants' Motion be filed on or before October 6, 2009, and that the Court hear defendants'
2 Motion on October 7, 2009, at 9:00 a.m., or submit defendants' Motion for decision without
3 hearing as of the conclusion of briefing.

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5 Dated: Sept. 30, 2009

Respectfully submitted,

6 TONY WEST
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7 ELIZABETH J. SHAPIRO
8 Deputy Director, Federal Programs Branch

9 /s/ Marcia Berman
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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 plaintiff's response to Defendants' Motion for a 60-Day Stay Pending Appeal Determination by Solicitor General be filed on or before October 6, 2009. It is FURTHER ORDERED that the Court hear defendants' Motion on ~~October 7, 2009~~ ^{October 9, 2009}, at 9:00 a.m., or submit defendants' Motion for decision without hearing as of the conclusion of briefing.

DATED: October 2, 2009



Honorable Jeffrey S. White
United States District Judge