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18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21 PEOPLE OF THE STATE OF )  
 CALIFORNIA, *ex rel.* EDMUND G. ) Case No. C 08-02741 MEJ  
 22 BROWN JR., ATTORNEY GENERAL OF )  
 THE STATE OF CALIFORNIA, )

23 Plaintiff, )

**STIPULATION AND  
 [PROPOSED] ORDER**

24 v. )

25 UNITED STATES FOOD & DRUG )  
 26 ADMINISTRATION, )

Before: Hon. Maria-Elena James

27 Defendant. )

28 Whereas on March 19, 2009, defendant received additional guidance from the United States Attorney General regarding further handling of Freedom of Information Act matters

1 pending before federal agencies; and

2 Whereas defendant is considering the application of the March 19, 2009 guidance to the  
3 above-captioned matter; and

4 Whereas the due date for plaintiff to file a motion for summary judgment is May 28,  
5 2009; and

6 Whereas, if plaintiff decides to file a motion for summary judgment, such motion (or a  
7 portion of it) may become mooted if defendant concludes additional disclosures are warranted  
8 under the March 19, 2009 guidance;

9 Whereas, judicial economy favors briefing of this matter after defendant makes any  
10 additional disclosures pursuant to the March 19, 2009 guidance;

11 The parties therefore agree, stipulate and respectfully request that the Court issue an order  
12 making the following changes to the current scheduling order:

13 Thursday, July 2, 2009	Plaintiff to file Motion for Summary Judgment, if any.
14 Thursday, July 16, 2009	Defendant to file opposition and cross-motion, if any.
15 Thursday, July 30, 2009	Plaintiff to file reply and opposition to cross-motion, if 16 any.
17 Thursday, August 13, 2009	Defendant to file reply, if any.
18 Thursday, September 3, 2009	Hearing on cross-motions.

19 Respectfully submitted,

20 EDMUND G. BROWN JR.  
21 Attorney General of the State of California

JOSEPH P. RUSSONIELLO  
United States Attorney

22 \_\_\_\_\_  
23 /s/ LAURA J. ZUCKERMAN  
24 Deputy Attorney General  
25 Dated: March 18, 2009

26 \_\_\_\_\_  
27 /s/ ABRAHAM A. SIMMONS  
28 Assistant United States Attorney  
Dated: March 18, 2009

29 ~~PROPOSED~~ ORDER

30 Good cause appearing, it is so ORDERED.

31 May 27, 2009  
32 \_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Maria-Elena James  
