

1 TONY WEST
Assistant Attorney General

2 JOHN TYLER
3 Assistant Director, Federal Programs Branch

4 MARCIA BERMAN (PA Bar No. 66168)
Senior Counsel, U.S. Department of Justice
5 Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W., Room 7132
6 Washington, D.C. 20530
Telephone: (202) 514-2205
7 Facsimile: (202) 616-8470
Email: marcia.berman@usdoj.gov
8 *Attorneys for Defendants*

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

13
14 _____) Nos. 08-2997, 08-1023 JSW
15 ELECTRONIC FRONTIER FOUNDATION,)
16 Plaintiff,) **STIPULATION TO VACATE**
) **CASE MANAGEMENT**
17 v.) **CONFERENCE**
) **AND ORDER THEREON**
18 OFFICE OF THE DIRECTOR OF NATIONAL)
19 INTELLIGENCE and UNITED STATES)
20 DEPARTMENT OF JUSTICE)
Defendants,)
_____)

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 September 10, 2010, shall be vacated. In
23 support of this stipulation, the parties state the following:

- 24 1. On July 14, 2010, the parties informed the Court that they were actively engaged
25 in settlement negotiations and requested that the Court continue the Case
26

27 Stipulation to Vacate Case Management Conference , Case Nos. 08-2997, 08-1023 (JSW)
28

1 Management Conference previously scheduled for July 23, 2010, to September
2 10, 2010.

3 2. On September 1, 2010, the parties entered into a Settlement Agreement in these
4 consolidated cases. The Settlement Agreement provides that defendants shall
5 make a payment to plaintiff EFF for attorneys' fees, expenses, and costs within 60
6 days of the date of the Agreement and that the parties will jointly stipulate to
7 dismiss these consolidated cases with prejudice.

8 3. Accordingly, there is no need for the Case Management Conference. A
9 stipulation for dismissal will be filed after EFF receives its payment.

10
11 Dated: Sept. 3, 2010

Respectfully submitted,

12 TONY WEST
13 Assistant Attorney General

14 JOHN TYLER
Assistant Director, Federal Programs Branch

15 /s/ Marcia Berman
16 MARCIA BERMAN (PA Bar No. 66168)
17 Senior Counsel, U.S. Department of Justice
18 Civil Division, Federal Programs Branch
19 20 Massachusetts Ave., N.W., Room 7132
20 Washington, D.C. 20530
21 Telephone: (202) 514-2205
22 Facsimile: (202) 616-8470
23 E-mail: marcia.berman@usdoj.gov

24 *Attorneys for Defendants*

25 David L. Sobel (*pro hac vice*)
26 ELECTRONIC FRONTIER FOUNDATION
27 1875 Connecticut Ave. NW
28 Suite 650
Washington, DC 20009
Telephone: (202) 797-9009 x104
Facsimile: (202) 707-9066

/s/ Marcia Hofmann
Cindy Cohn, Esq.

Stipulation to Vacate Case Management Conference , Case Nos. 08-2997, 08-1023 (JSW)

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 the Case Management Conference scheduled for September 10, 2010, is vacated.

DATED: September 3, 2010



Honorable Jeffrey S. White
United States District Judge