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1 TONY WEST  
 Assistant Attorney General  
 2 JOHN R. TYLER  
 Assistant Branch Director  
 3 ERIC B. BECKENHAUER, CSBN 237526  
 Trial Attorney  
 4  
 U.S. Department of Justice  
 5 Civil Division, Federal Programs Branch  
 20 Massachusetts Ave. NW  
 6 Washington, DC 20530  
 Telephone: (202) 514-3338  
 7 Facsimile: (202) 616-8470  
 E-mail: eric.beckenhauer@usdoj.gov

8 Attorneys for Defendants  
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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN  
14 FRANCISCO CHAPTER, et al.,

No. C 08-5137 RS

15 Plaintiffs,

**JOINT STATUS REPORT  
 AND STIPULATION TO STAY  
 PROCEEDINGS; AND ~~PROPOSED~~  
 ORDER**

16 v.

17 U.S. DEPARTMENT OF HOMELAND  
18 SECURITY, et al.,

19 Defendants.  
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20  
21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. The parties have entered into a series of stipulations to stay proceedings since April  
 23 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive  
 24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the  
 25 Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that  
 26 they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or  
 27 CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule  
 28 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect

1 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,  
2 EOIR, and ICE. Most recently, on May 4, 2010, the Court approved the parties' stipulations (a) to  
3 further stay proceedings through and including August 31, 2010; and (b) to submit a joint report  
4 advising the Court on the status of negotiations and processing, and/or a stipulation proposing a  
5 schedule to govern further proceedings, no later than August 31, 2010; and

6 2. EOIR has provided Plaintiffs with a letter describing the scope of its search and a  
7 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs  
8 have stipulated that they do not contest either the adequacy of the search performed by EOIR, or  
9 the propriety of the withholdings made by EOIR; and

10 3. ICE has provided Plaintiffs with a letter describing the scope of its search and a  
11 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs  
12 have stipulated that they do not contest the adequacy of the search performed by ICE. With respect  
13 to the withholdings made by ICE, Plaintiffs have responded with two objections and/or requests for  
14 clarification, and the parties have conferred to discuss the propriety of those withholdings. Plaintiffs  
15 are not yet prepared to stipulate to the propriety of those withholdings; however, further negotiation  
16 may eliminate the need for judicial resolution of these issues; and

17 4. CBP has provided Plaintiffs with a letter describing the scope of its search and a  
18 preliminary, partial Vaughn index explaining the bases for its withholdings; Plaintiffs have  
19 responded with several objections and/or requests for clarification; and the parties have continued  
20 to confer to discuss the scope of CBP's search and the propriety of its withholdings. Plaintiffs are  
21 not yet prepared to stipulate to the adequacy of CBP's search or the propriety of its withholdings;  
22 however, further negotiation may eliminate the need for judicial resolution of these issues; and

23 WHEREAS it would minimize litigation costs and conserve judicial resources to stay  
24 further proceedings in this case to permit the above-mentioned negotiations to continue, and to  
25 permit the parties to confer further as described above;

1 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
2 undersigned counsel, subject to the approval of the Court, that:

- 3 1. Further proceedings in this case are stayed for a period of approximately 3 months  
4 through and including November 30, 2010, and
- 5 2. No later than November 30, 2010, the parties shall submit a joint report advising the  
6 Court on the status of the above-mentioned negotiations and/or a stipulation  
7 proposing a schedule to govern further proceedings.

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1 Dated: August 25, 2010

2 Respectfully submitted,

3 /s/ Jayashri Srikantiah  
4 JAYASHRI SRIKANTIAH  
5 IMMIGRANTS' RIGHTS CLINIC  
6 STANFORD LAW SCHOOL  
7 559 Nathan Abbott Way  
8 Stanford, CA 94305  
9 Tel: (650) 724-2442  
10 Fax: (650) 723-4426

TONY WEST  
Assistant Attorney General

JOHN R. TYLER  
Assistant Branch Director

11 LINTON JOAQUIN  
12 KAREN TUMLIN  
13 NATIONAL IMMIGRATION  
14 LAW CENTER  
15 3435 Wilshire Boulevard, Suite 2850  
16 Los Angeles, CA 90010  
17 Tel: (213) 639-3900  
18 Fax: (213) 639-3911

/s/ Eric B. Beckenhauer  
ERIC B. BECKENHAUER, CSBN 237526  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave. NW  
Washington, DC 20530  
Telephone: (202) 514-3338  
Facsimile: (202) 616-8470  
E-mail: eric.beckenhauer@usdoj.gov

Attorneys for Defendants

19 JARED KOPEL  
20 LISA A. DAVIS  
21 DOMINIQUE-CHANTALE ALEPIN  
22 WILSON SONSINI GOODRICH &  
23 ROSATI  
24 Professional Corporation  
25 650 Page Mill Road  
26 Palo Alto, CA 94304-1050  
27 Tel: (650) 493-9300  
28 Fax: (650) 565-5100

Attorneys for Plaintiffs

**SIGNATURE ATTESTATION**


In accordance with General Order 45(X), I hereby attest that I have obtained Jayashri Srikantiah's concurrence in the filing of this document.

/s/ Eric B. Beckenhauer  
ERIC B. BECKENHAUER

**~~[PROPOSED]~~ ORDER**

Pursuant to stipulation, **IT IS SO ORDERED.**

Dated: 8/27/10

  
RICHARD SEEBORG  
United States District Judge