

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

9  
 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,

16 v.

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

19 Defendants.

**JOINT STATUS REPORT  
 AND STIPULATION TO EXTEND  
 TIME TO FILE BILL OF COSTS  
 AND/OR MOTION FOR ATTORNEY'S  
 FEES; AND [PROPOSED] ORDER**

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

1 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect  
2 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,  
3 EOIR, and ICE. Most recently, on June 1, 2011, the Court approved the parties' stipulations (a) to  
4 further stay proceedings through and including August 31, 2011, and (b) to submit a joint report  
5 advising the Court on the status of negotiations, and/or a stipulation proposing a schedule to govern  
6 further proceedings, no later than August 31, 2011; and

7 2. As a result of those negotiations, Plaintiffs have stipulated that they do not contest  
8 either the adequacy of the searches performed, or the propriety of the withholdings made, by CBP,  
9 EOIR, and ICE. The parties now agree that all merits issues in this case have been resolved.  
10 Accordingly, pursuant to Rule 41(a)(1)(A)(ii), the parties are simultaneously filing a stipulation of  
11 dismissal of this action with prejudice with respect to all remaining Defendants; and

12 3. The parties are engaged in discussions about whether an award of attorney's fees  
13 and costs is appropriate, and to that end, Plaintiffs have extended a proposal to Defendants. While  
14 Defendants do not concede that Plaintiffs are entitled to recover any fees or costs in this case, and  
15 reserve all rights to oppose any bill of costs or motion for attorney's fees, they are carefully  
16 considering Plaintiffs' proposal. Under the local rules, any bill of costs or motion for attorney's fees  
17 would ordinarily be due within 14 days after entry of judgment. See Civil L.R. 54-1(a), 54-6(a).  
18 Although further negotiation may eliminate the need for judicial resolution of any dispute over fees  
19 or costs, the parties anticipate that it will take several months for their negotiations to conclude; and

20 WHEREAS it would minimize litigation costs and conserve judicial resources to permit the  
21 parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

22 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
23 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any  
24 bill of costs and/or motion for attorney's fees shall be extended by approximately three months, to  
25 September 30, 2011, notwithstanding any local rule to the contrary.

26 //

27 //

28 //

1 Dated: June 29, 2011

2 Respectfully submitted,

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

TONY WEST  
Assistant Attorney General

JOHN R. TYLER  
Assistant Branch Director

/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

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

Attorneys for Defendants

/s/ Lisa A. Davis  
12 JARED KOPEL  
13 LISA A. DAVIS  
14 DOMINIQUE-CHANTALE ALEPIN  
15 WILSON SONSINI GOODRICH &  
16 ROSATI  
17 Professional Corporation  
18 650 Page Mill Road  
19 Palo Alto, CA 94304-1050  
20 Tel: (650) 493-9300  
21 Fax: (650) 565-5100

Attorneys for Plaintiffs

19 **SIGNATURE ATTESTATION**

20 In accordance with General Order 45(X), I hereby attest that I have obtained Lisa A. Davis's  
21 concurrence in the filing of this document.

/s/ Eric B. Beckenhauer  
ERIC B. BECKENHAUER

22 **[PROPOSED] ORDER**

23 Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any  
24 bill of costs and/or motion for attorney's fees shall be extended to September 30, 2011,  
25 notwithstanding any local rule to the contrary.

26 **SO ORDERED.**

27 Dated: 6/30/11

  
28 RICHARD SEEBORG  
United States District Judge