

1 TONY WEST
 Assistant Attorney General
 2 JOHN R. TYLER
 ISAAC R. CAMPBELL
 3 United States Department of Justice
 Civil Division, Federal Programs Branch
 4 20 Massachusetts Avenue, NW, Room 6130
 Washington, D.C. 20530
 5 Tel: (202) 616-8476
 Fax: (202) 616-8460

6 JOSEPH P. RUSSONIELLO (SBN 44332)
 United States Attorney
 7 JOANN M. SWANSON (SBN 88143)
 Chief, Civil Division
 8 ILA DEISS (NYSBN 3052909)
 Assistant United States Attorney

10 450 Golden Gate Avenue, 9th Floor
 San Francisco, California 94102-3495
 11 Telephone: (415) 436-7124
 Facsimile: (415) 436-6748
 12 Email: ila.deiss@usdoj.gov

13 Attorneys for Defendants

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 TRI-VALLEY CARES,

18 Plaintiff,

19 v.

20 UNITED STATES DEPARTMENT OF
 ENERGY and NATIONAL NUCLEAR
 21 SECURITY ADMINISTRATION,

22 Defendants.

No. C 08-05408 SC

**STIPULATION TO EXTEND
 FURTHER STATUS CONFERENCE;
 and ~~PROPOSED~~ ORDER**

CMC Date: February 19, 2010

23 The Plaintiff, by and through their attorney of record, and Defendants, by and through
 24 their attorneys of record, hereby stipulate in accordance with Civ. L. Rule 6-2, to extend the
 25 further status conference in this case, currently scheduled for February 19, 2010, to March 19,
 26 2010, based on the following:

27 1. The basis asserted by Plaintiff for this Court's jurisdiction is under the Freedom of
 28

1 Information Act ("FOIA"), 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2 2. On March 20, 2009, the Court scheduled a further status conference for December 4,
3 2009.

4 3. Due to the attorney for the Defendants' unavailability on that day, the parties asked
5 that the further status conference be reset to February 19, 2010.

6 4. Defendants' final FOIA disclosures were sent to Plaintiff on February 5, 2010, and
7 Plaintiff just received them on February 12, 2010.

8 5. In order to give Plaintiff a chance to review the final disclosures and determine if an
9 appeal of the redactions and the completeness of the production is necessary, and for the parties
10 to attempt to narrow the scope of the litigation, and find dates for cross-motions for summary
11 judgment to propose to the Court, the parties respectfully ask for a 30-day extension of time for
12 the further case management conference, to March 19, 2010.

13 6. There has been only one previous joint extension request and this request is not for the
14 purposes of delay.

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1 7. The parties understand that any further requests to change time will be disfavored.

2 Therefore, the parties respectfully ask this Court to re-schedule the further status
3 conference to March 19, 2010, with a case management statement one week prior.

4 Dated: February 12, 2010

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

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8 /s/
9 ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendants

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11 Dated: February 12, 2010

12 /s/
SCOTT J. YUNDT
Attorney for Plaintiff

13 **ORDER**

14 Based on the foregoing, the further status conference is reset to **March 19, 2010** at 10:00
15 a.m., with a Case Management Statement due one week prior.

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17 Dated: February 16, 2010

