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2	Assistant Attorney General JOSEPH P. RUSSONIELLO		
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11	UNITED STATES DISTRICT COURT		
12	NORTHERN DISTRICT OF CALIFORNIA		
13	SAN FRANCISCO DIVISION		
14	ELECTRONIC FRONTIER FOUNDATION,	Case No. CV 09-5640 SI	
15	Plaintiff,	STIPULATION TO CHANGE TIME	
16	V.	FOR FURTHER CASE MANAGEMENT CONFERENCE	
17	DEPARTMENT OF DEFENSE, et al.,	CONTENED	
18	Defendants.		
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20			
21	Pursuant to Fed. R. Civ. P. 6(b)(1) and C	Civil L.R. 6-2, the parties, by and through	
22	undersigned counsel, hereby stipulate and respectfully move for this Court to change the date of		
23 24	the Case Management Conference from September 10, 2010 to October 15, 2010. The requested		
25	change will not affect the present schedule for the case. In accordance with Civil L.R. 6-2(a), this		
26	stipulation is supported by the Declaration of Kimberly L. Herb, counsel for Defendants, filed		
27	herewith and a proposed order below.		
28			
	NO. CV 09-5640 SI STIPULATION TO CHANGE TIME FOR FURTHER CASE MANAGEMENT CONFERENCE		

The parties jointly request this extension to allow Plaintiff time to review Defendant Department of Justice, Criminal Division's final release of documents, which is scheduled for September 30, 2010. By changing the case management conference to October 15, 2010, the parties will have sufficient time to plan for and schedule dispositive motions and to narrow the issues requiring resolution by the Court. The parties are currently in active discussions regarding case management and plan to have a proposed motion schedule to the Court in the next Case Management Conference Statement.

On June 10, 2010, the parties filed a stipulation and proposed order to change the time for filing dispositive motions until after the Case Management Conference on July 16, 2010. Dkt. No. 16. The Court signed the proposed order on July 6, 2010. Dkt. No. 18. On July 9, 2010, the parties filed a Joint Case Management Statement, Dkt. No. 19, and appeared for the Case Management Conference on July 16, 2010. At that time, the parties informed the Court that they planned to meet and confer by August 31, 2010 to determine the issues remaining in this action and to propose a timeline for the resolution of those issues. The parties met on August 30, 2010 and discussed a tentative motion schedule. The parties intend to meet again in early October, 2010 and still believe that briefing on dispositive motions with regard to all the current Defendants and subcomponents can commence this year.

The requested time modification should not adversely affect the Court's schedule because the parties are in active discussions about the schedule for dispositive motions. Granting the request would allow the parties time to narrow the issues for the Court.

\* \* \*

The parties hereby respectfully request that the Court change the time for the Case

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Management Conference from September 10, 2010 to October 15, 2010, or to the Court's earliest convenience thereafter.

1	DATED: September 3, 2010	Respectfully submitted,
2		
3	/s/ Jason Schultz ELECTRONIC FRONTIER FOUNDATION	TONY WEST Assistant Attorney General
4	Jennifer Lynch, Esq.	JOSEPH P. RUSŠONIELLO
5	Marcia Hofmann, Esq. 454 Shotwell Street	United States Attorney JOHN TYLER
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8	SAMUELSON LAW, TECHNOLOGY	Kimberly L. Herb Trial Attorney
9	AND PUBLIC POLICY CLINIC Jason M. Schultz	United Stated Department of Justice Civil Division, Federal Programs Branch
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12	Telephone: (510) 642-0499 Facsimile: (510) 643-4625	E-mail: Kimberly.L.Herb@usdoj.gov
13	E-mail: jschultz@law.berkeley.edu	Attorneys for Defendants
	Attorneys for Plaintiff	
14		
15		
16		
17		RDER .
18	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
19	Dated:	and because
20		USAN ILLSTON Inited States District Judge
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## **GENERAL ORDER NO. 45(X) CERTIFICATION**

I attest that I have obtained Jason Schultz's concurrence in the filing of this document.

/s/ Kimberly L. Herb
Kimberly L. Herb