

1 M. ANDREW WOODMANSEE (CA SBN 201780)  
 MAWoodmansee@mofocom  
 2 STEPHANIE L. FONG (CA SBN 240836)  
 SFong@mofocom  
 3 KIMBERLY R. GOSLING (CA SBN 247803)  
 KGosling@mofocom  
 4 JESSICA A. ROBERTS (CA SBN 265570)  
 JRoberts@mofocom  
 5 MORRISON & FOERSTER LLP  
 12531 High Bluff Drive  
 6 San Diego, California 92130-2040  
 Telephone: 858.720.5100  
 7 Facsimile: 858.720.5125

8 JOHN M. GOODMAN (DC SBN 383147)  
 jgoodman@sldn.org  
 9 SERVICEMEMBERS LEGAL DEFENSE NETWORK  
 P. O. Box 65301  
 10 Washington, DC 20035-5301  
 Telephone: 202.328.3244  
 11 Facsimile: 202.797.1635

12 Attorneys for Plaintiff  
 MICHAEL D. ALMY

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 MICHAEL ALMY, JASON KNIGHT, and  
 16 ANTHONY LOVERDE,

17 Plaintiffs,

18 v.

19 UNITED STATES DEPARTMENT OF  
 20 DEFENSE; ROBERT M. GATES, Secretary  
 of Defense; DEPARTMENT OF THE AIR  
 21 FORCE; MICHAEL B. DONLEY, Secretary,  
 Department of the Air Force; DEPARTMENT  
 22 OF THE NAVY; and RAY MABUS,  
 Secretary, Department of the Navy,

23 Defendants.

Case No. cv 10-5627 (RS)

**DECLARATION OF M. ANDREW  
 WOODMANSEE IN SUPPORT OF  
 STIPULATION TO CONTINUE  
 DEADLINE FOR FINALIZING  
 SETTLEMENT**

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1 I, M. Andrew Woodmansee, hereby declare as follows:

2 1. I am a member of the bar of the State of California. I am a partner with the law  
3 firm of Morrison & Foerster LLP, counsel for plaintiff Michael D. Almy. I have personal  
4 knowledge of the facts set forth herein, and if called upon to do so, I could and would testify  
5 competently thereto.

6 2. On July 5, 2012, Plaintiff Almy filed a Motion for Partial Summary Judgment.  
7 (ECF No. 70.) The briefing schedule for Plaintiff's Motion for Partial Summary Judgment has  
8 been continued twice and is currently stayed pending the outcome of Plaintiff's Motion for a  
9 Protective Order. (*See* ECF No. 74, 77, and 79.)

10 3. On August 24, 2012, Plaintiff Almy filed a Motion for Protective Order under seal.  
11 Defendants filed an opposition under seal on September 7, 2012, and Plaintiff filed a reply under  
12 seal on September 14, 2012. The briefing schedule for Plaintiff's Motion for Protective Order has  
13 been continued twice and was most recently set to be heard by this Court on October 15, 2012, at  
14 1:30 p.m. (ECF No. 86 and 89.) On October 10, 2012, the Court vacated the October 15 hearing  
15 and the motion was submitted without oral argument. (ECF No. 90.)

16 4. On October 11, 2012, the parties filed a Stipulation to Stay Proceedings. (ECF  
17 No. 93.) On October 15, 2012, the Court granted the stipulation and ordered: "All proceedings in  
18 this case . . . shall be stayed pending the completion of the parties' attempts to achieve a  
19 resolution outside this matter. The parties shall file a joint status report updating the Court on  
20 their settlement attempts on November 15, 2012, and every 30 days thereafter[.]" (ECF No. 94 at  
21 2.)

22 5. Pursuant to that order, the parties filed joint status reports on November 15, 2012  
23 (ECF No. 95), December 17, 2012 (ECF No. 96), and January 14, 2013 (ECF No. 97). In these  
24 status reports, the parties indicated that they had continued their settlement discussions and were  
25 in the process of finalizing a resolution of this matter.

26 6. On February 13, 2013, the parties filed a stipulation and joint status report stating  
27 that they had exchanged drafts of a settlement agreement and were currently in the process of  
28 finalizing the language of the agreement. (ECF No. 99.) Accordingly, the parties jointly

1 requested that the Court grant a two-week extension of the February 15 deadline set forth in the  
2 January 22 order, so that they could complete this process. On February 14, 2013, the Court  
3 granted this stipulation and extended the deadline to March 1, 2013. (ECF No. 100.)

4 7. The parties have been working diligently to finalize the settlement. Despite their  
5 best efforts to complete this process by March 1, they need an additional week to address a few  
6 remaining details. The parties therefore request an additional one-week extension of the March 1  
7 deadline so that they may complete their efforts to bring this case to a conclusion.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed on March 1, 2013, at San Diego, California.

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By: /s/ M. Andrew Woodmansee  
M. Andrew Woodmansee  
MAWoodmansee@mof.com

MORRISON & FOERSTER LLP  
Attorneys for Plaintiff  
Michael D. Almy

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 1st day of March, 2013, with a copy of this document via the Court's CM/ECF system.

/s/ M. Andrew Woodmansee  
M. Andrew Woodmansee