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11 *Attorneys for Federal Defendants*

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14	MICHAEL D. ALMY, ANTHONY J.	)	Case No. 3:10-cv-5627 (RS)
15	LOVERDE, and JASON D. KNIGHT,	)	
16		)	DEFENDANTS' ADMINISTRATIVE
17	Plaintiffs,	)	MOTION REQUESTING A
18	v.	)	CONTINUANCE OF THE INITIAL
19	UNITED STATES DEPARTMENT OF	)	Courtroom 3 - 17th Floor
20	DEFENSE, ROBERT M. GATES, Secretary of	)	Judge: Hon. Richard Seeborg
21	Defense; DEPARTMENT OF THE AIR FORCE;	)	
22	MICHAEL B. DONLEY, Secretary, Department	)	
23	of the Air Force; DEPARTMENT OF THE	)	
24	NAVY; and RAY MABUS, Secretary,	)	
25	Department of the Navy,	)	
26		)	
27	Defendants.	)	
28		)	

1 The initial case management conference in this case is scheduled for March 25, 2011.  
2 See Doc. #4. Defendants have filed a motion to transfer this action to the United States Court  
3 of Federal Claims or, in the alternative, to dismiss this action. See Doc. # 19. Pursuant to 28  
4 U.S.C. § 1292(d)(4)(B):

5 When a motion to transfer an action to the Court of Federal Claims is filed in a  
6 district court, no further proceedings shall be taken in the district court until 60  
7 days after the court has ruled upon the motion. If an appeal is taken from the  
8 district court's grant or denial of the motion, proceedings shall be further stayed  
9 until the appeal has been decided by the Court of Appeals for the Federal Circuit.

10 Because the Court's ruling on Defendants' motion is a necessary predicate for the lifting of the  
11 statutory stay and for the exercise of the Court's jurisdiction, Defendants request that the initial  
12 case management conference be continued until 60 days after the Court's ruling on Defendants'  
13 motion. Counsel for Defendants consulted with Plaintiffs' counsel on March 4 and again on  
14 March 10, 2011, regarding this administrative motion, and Plaintiffs oppose the motion at this  
15 time. *See* Declaration of Paul G. Freeborne, attached to this motion.

16  
17 DATED: March 10, 2011

18 Respectfully submitted,  
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20 Deputy Assistant Attorney General,  
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26 /s/ Paul G. Freeborne  
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