

DECLARATION OF PAUL G. FREEBORNE

1. I am a Senior Trial Counsel for the Department of Justice, Civil Division, Federal Programs Branch, and I am lead counsel for the Federal Defendants.
2. I have personal knowledge of the contents of this declaration, and I could and would testify competently thereto if called upon to do so.
3. I discussed the filing of the accompanying administrative motion seeking a continuance of the initial case management conference with opposing counsel on Friday, March 4, 2011, and again on Thursday, March 10, 2011, in an effort to obtain Plaintiffs' consent to the requested continuance in light of the pending statutory stay of proceedings imposed by 28 U.S.C. § 1292(d)(4)(B).
4. Counsel for Plaintiffs, M. Andrew Woodmansee, advised me during the March 10, 2011 teleconference that Plaintiffs oppose taking the March 25, 2011 initial case management conference off the calendar and stated Plaintiffs' intent to file an opposition to Defendants' administrative motion.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Signed on March 10, 2011, in Washington, D.C.

/S/ Paul G. Freeborne
PAUL G. FREEBORNE