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

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

1 Defendants request a continuance of the June 23, 2011 initial case management
2 conference until the statutory stay imposed by 28 U.S.C. § 1292(d)(4)(B) expires. Defendants
3 filed a motion to transfer this action to the United States Court of Federal Claims or, in the
4 alternative, to dismiss this action. See ECF No. 19. On May 3, 2011, the Court denied
5 Defendants' motion to transfer. See ECF No. 37. Accordingly, this matter is stayed for at least a
6 period of 60 days (*i.e.*, until July 5, 2011), pursuant to 28 U.S.C. § 1292(d)(4)(B), which
7 provides:

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

13 Defendants respectfully request that the initial case management conference be continued until
14 the stay expires. Defendants also request that any deadlines associated with that conference
15 under Fed. R. Civ. P. 26(f) likewise be extended.

16 Counsel for Defendants consulted with Plaintiffs' counsel on May 27, 2011 regarding this
17 motion, and Plaintiffs consent to the granting of Defendants' motion.

18
19 DATE: June 1, 2011

Respectfully submitted,

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27 /s/ Paul G. Freeborne
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