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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		)	PARTIES' JOINT STIPULATION
17	Plaintiffs,	)	SETTING FORTH DEADLINE FOR
18	v.	)	DEFENDANTS' RESPONSE TO
19	UNITED STATES DEPARTMENT OF	)	PLAINTIFFS' FIRST AMENDED
20	DEFENSE, ROBERT M. GATES, Secretary of	)	COMPLAINT AND REQUEST FOR
21	Defense; DEPARTMENT OF THE AIR FORCE;	)	ORDER TO CHANGE DATE OF THE
22	MICHAEL B. DONLEY, Secretary, Department	)	INITIAL CASE MANAGEMENT
23	of the Air Force; DEPARTMENT OF THE	)	CONFERENCE
24	NAVY; and RAY MABUS, Secretary,	)	
25	Department of the Navy,	)	Courtroom 3 - 17th Floor
26		)	Judge: Hon. Richard Seeborg
27	Defendants.	)	

28 PARTIES' JOINT STIPULATION SETTING FORTH DEADLINE FOR DEFENDANTS' RESPONSE TO  
 PLAINTIFFS' FIRST AMENDED COMPLAINT AND REQUEST FOR ORDER TO CHANGE THE DATE OF  
 THE INITIAL CASE MANAGEMENT CONFERENCE, *Almy v. United States Department of Defense.*, Case No.  
 3:10-cv-5627 (RS)

1 **RECITALS**

2 1. Defendants' have decided not to seek an interlocutory appeal of the Court's May  
3 3, 2011 order, ECF No. 37, denying the Defendants' motion to transfer this action to the United  
4 States Court of Federal Claims. The statutory stay of proceedings set forth in 28 U.S.C.  
5 § 1292(d)(4)(B) if thus lifted, effective July 5, 2011. The parties jointly propose the following  
6 schedule for Defendants' response to Plaintiffs' First Amended Complaint (as well as Plaintiffs'  
7 opposition and Defendants' reply, if appropriate).

8 2. The initial case management conference in this case is currently scheduled for  
9 July 28, 2011, *see* ECF No. 40. The parties jointly request that the date of the initial case  
10 management conference, and the accompanying deadlines under Fed. R. Civ. P. 26, be extended  
11 for thirty days (30) so that the conference can follow Defendants' response to Plaintiffs' First  
12 Amended Complaint. If this request is granted, this would be the second continuance of the  
13 initial case management conference.

14 **STIPULATION**

15 Defendants will answer or otherwise respond to Plaintiffs' First Amended Complaint on  
16 or before August 5, 2011. Should Defendants file a motion to dismiss or other motion in  
17 response to Plaintiffs' First Amended Complaint, Plaintiffs shall be afforded the time set forth  
18 in Local Rule 7-3(a) for the filing of any opposition, and Defendants shall be afforded the time  
19 set forth in Local Rule 7-3(c) for the filing of any reply.

20 Pursuant to Local Rule 6.1(a) and 7-12, the parties jointly request an order changing the  
21 date of the July 28, 2011 case management conference to August 25, 2011, if that date is  
22 available on the Court's calendar.

23  
24 DATED: July 5, 2011

Respectfully submitted,

25 IAN HEATH GERSHENGORN  
26 Deputy Assistant Attorney General,  
27 Civil Division

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/s/ Paul G. Freeborne  
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**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B.**

I, PAUL G. FREEBORNE, hereby declare pursuant to General Order 45, § X.B., that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

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

Executed on July 5, 2011, in the City of Washington, District of Columbia.

/s/ Paul G. Freeborne  
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