

E-Filed 8/3/11

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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 DEADLINES FOR
18	v.)	DEFENDANTS' RESPONSE TO
19	UNITED STATES DEPARTMENT OF)	PLAINTIFFS' FIRST AMENDED
20	DEFENSE, ROBERT M. GATES, Secretary of)	COMPLAINT AND RESPONSE TO
21	Defense; DEPARTMENT OF THE AIR FORCE;)	PLAINTIFFS' MOTION FOR PARTIAL
22	MICHAEL B. DONLEY, Secretary, Department)	SUMMARY JUDGMENT
23	of the Air Force; DEPARTMENT OF THE)	
24	NAVY; and RAY MABUS, Secretary,)	Courtroom 3 - 17th Floor
25	Department of the Navy,)	Judge: Hon. Richard Seeborg
26)	
27	Defendants.)	

28 PARTIES' JOINT STIPULATION SETTING FORTH DEADLINES FOR DEFENDANTS' RESPONSE TO
 PLAINTIFFS' FIRST AMENDED COMPLAINT AND RESPONSE TO PLAINTIFFS' MOTION FOR
 PARTIAL SUMMARY JUDGMENT, *Almy v. United States Department of Defense.*, Case No. 3:10-cv-5627

1 **RECITALS**

2 1. Defendants' response to Plaintiffs' First Amended Complaint is currently due on
3 August 5, 2011, *see* ECF No. 41.

4 2. Plaintiffs have filed a motion for partial summary judgment, *see* ECF Nos. 43-
5 44, regarding Counts I-III of the First Amended Complaint. Defendants' response to that
6 motion is currently due on August 10, 2011.

7 3. So that Defendants' response to the First Amended Complaint can be addressed
8 at the same time that Defendants respond to Plaintiffs' motion for partial summary judgment,
9 the parties have stipulated, pursuant to Local Rule 6-1, to an extension of the date for
10 Defendants' response to the First Amended Complaint from August 5, 2011 to August 19, 2011.

11 4. To ensure orderly briefing on any dispositive motion filed by Defendants in
12 response to the First Amended Complaint and Defendants' response to Plaintiff's motion for
13 partial summary judgment, moreover, the parties have stipulated to the following briefing
14 schedule: On August 19, 2011, Defendants would file their response to Plaintiffs' motion for
15 partial summary judgment and a response to the First Amended Complaint. Plaintiffs would
16 then file their response to any dispositive motion filed by Defendants in response to the First
17 Amended Complaint and reply in support of their motion for partial summary judgment fourteen
18 (14) days thereafter, on September 2, 2011. Defendants would then file a reply brief in support
19 of any dispositive motions filed in response to the First Amended Complaint seven days
20 thereafter, on September 9, 2011. The parties' motions would be heard on October 13, 2011, if
21 that date is available on the Court's calendar.

22 **STIPULATION**

23 Defendants will answer or otherwise respond to Plaintiffs' First Amended Complaint on
24 or before August 19, 2011, pursuant to the agreement of parties under Local Rule 6-1. Should
25 Defendants file a dispositive motion(s) in response to Plaintiffs' First Amended Complaint, that
26 response will be filed on that date along with Defendants' response to Plaintiffs' motion for
27 partial summary judgment, on August 19, 2011. Plaintiffs would then file any response to any
28

1 dispositive motion(s) filed by Defendants and reply in support of Plaintiffs' motion for partial
2 summary judgment fourteen (14) days thereafter, on September 2, 2011. Defendants would then
3 file a reply brief in support of any dispositive motions filed in response to the First Amended
4 Complaint seven days thereafter, on September 9, 2011. The parties' motions would then be
5 heard on October 13, 2011, if that date is available on the Court's calendar.

6 Pursuant to Local Rule 6-2 and 7-12, the parties jointly request an order changing the
7 date for the hearing on Plaintiffs' motion for partial summary judgment to October 13, 2011,
8 and an order setting forth the above briefing schedule regarding the parties' motions.

9
10 DATED: August 3, 2011

Respectfully submitted,

11 IAN HEATH GERSHENGORN
12 Deputy Assistant Attorney General,
Civil Division

13 MELINDA L. HAAG
14 United States Attorney

15 VINCENT M. GARVEY
Deputy Director

16 /s/ Paul G. Freeborne
17 PAUL G. FREEBORNE
18 RYAN B. PARKER
U.S. Department of Justice
Civil Division

19 *Attorneys for the Federal Defendants*

1 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B.**

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

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

6 Executed on August 3, 2011, in the City of Washington, District of Columbia.

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8 /s/ Paul G. Freeborne
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PROPOSED ORDER

It is hereby **ORDERED** that, Defendants will file its response to Plaintiffs' First Amended Complaint and a response to Plaintiffs' motion for partial summary judgment, ECF Nos. 43-44, on August 19, 2011. Plaintiffs would then file any response to any dispositive motion(s) filed by Defendants and reply in support of Plaintiffs' motion for partial summary judgment fourteen (14) days thereafter, on September 2, 2011. Defendants would then file a reply brief in support of any dispositive motions filed in response to the First Amended Complaint seven days thereafter, on September 9, 2011. The parties' motions would then be heard on October 13, 2011 at 1:30 p.m.

IT IS SO ORDERED,

Dated: 8/3, 2011



Judge Richard Seeborg
United States District Court