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 13 AND ANTHONY J. LOVERDE

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 MICHAEL ALMY, JASON KNIGHT, and  
 ANTHONY LOVERDE,

17 Plaintiffs,

18 v.

19 UNITED STATES DEPARTMENT OF  
 20 DEFENSE; ROBERT M. GATES, Secretary  
 of Defense; DEPARTMENT OF THE AIR  
 21 FORCE; MICHAEL B. DONLEY, Secretary,  
 Department of the Air Force; DEPARTMENT  
 22 OF THE NAVY; and RAY MABUS,  
 Secretary, Department of the Navy,

23 Defendants.  
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Case No. cv 10-5627 (RS)

**CASE MANAGEMENT STATEMENT  
 AND PROPOSED ORDER**

**DATE: JULY 12, 2012**

**TIME: 10:00 A.M.**

**COURTROOM: 3, 17<sup>TH</sup> FLOOR**

**JUDGE: HON. RICHARD SEEBORG**

1 Pursuant to Civil L.R. 16-10(d), the parties to the above-entitled action certify that they  
2 were in communication regarding this matter 10 days prior to the subsequent case management  
3 conference scheduled in this case. The parties jointly submit this Supplemental Case  
4 Management Statement and Proposed Order and request the Court to adopt it as a Supplemental  
5 Case Management Order in this case.

6 **DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS**

7 **1. The following progress or changes have occurred since the last case**  
8 **management statement filed by the parties:**

9 As the Court is aware, Mr. Daniels has been reinstated into the Navy. Mr. Loverde has  
10 now been reinstated into active duty in the Air Force as well. Plaintiffs are prepared to dismiss  
11 the claims of both Mr. Daniels and Mr. Loverde with prejudice.

12 On July 5, 2012, Plaintiffs filed a modified version of their original motion for partial  
13 summary judgment, seeking relief as to Mr. Almy's claims only. The motion was noticed for a  
14 hearing on August 9, 2012. Defendants will oppose Mr. Almy's renewed motion, and will file a  
15 motion to dismiss or, in the alternative, for summary judgment. Defendants propose to file their  
16 opposition to Mr. Almy's motion and their affirmative motion on or before August 3, 2012.  
17 Defendants further propose that Defendants' motion will be noticed for hearing on September 13,  
18 2012. Plaintiffs do not object to their motion for partial summary judgment also being heard on  
19 September 13, 2012, with the briefing schedule modified accordingly.

20 Before the CMC hearing, Plaintiffs also intend to file joint stipulations to dismiss the  
21 claims of Mr. Daniels and Mr. Loverde. Now that the only plaintiff in this case is Mr. Almy,  
22 Defendants intend to move in the above-referenced motion for dismissal for lack of venue. Mr.  
23 Almy will oppose Defendants' motion seeking dismissal on that ground.

24 **2. The parties jointly request the Court to make the following Supplemental**  
25 **Case Management Order:**

26 The parties shall appear telephonically at the Case Management Conference on July 12,  
27 2012, to answer any further questions the Court may have regarding the status of this case.  
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**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B.**

I, M. ANDREW WOODMANSEE, 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, 2012, in the City of San Diego, State of California.

/s/ M. Andrew Woodmansee  
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Attorneys for Federal Defendants

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**SUPPLEMENTAL CASE MANAGEMENT ORDER**

The Supplemental Case Management Statement and Proposed Order are hereby adopted by the Court as a Supplemental Case Management Order for the case and the parties are ordered to comply with this Order:

The Case Management Conference on July 12, 2012 meeting will go forward as scheduled, and the parties shall appear telephonically.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge