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12  
 13 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

14 MICHAEL D. ALMY, ANTHONY J.  
 15 LOVERDE, AND JASON D. KNIGHT,

16 Plaintiffs,

17 vs.

18 UNITED STATES DEPARTMENT OF  
 19 DEFENSE *et al.*,

20 Defendants.

) CASE NO.: CV 3:10-CV-5627 (RS)  
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 )  
 ) DEFENDANTS' UNOPPOSED  
 ) ADMINISTRATIVE MOTION FOR A  
 ) CONTINUANCE OF THE SEPTEMBER 13,  
 ) 2012 HEARING DATE FOR PLAINTIFF  
 ) ALMY'S PARTIAL MOTION FOR  
 ) SUMMARY JUDGMENT AND  
 ) DEFENDANTS' MOTION TO DISMISS OR,  
 ) IN THE ALTERNATIVE, MOTION FOR  
 ) SUMMARY JUDGMENT  
 )  
 ) HONORABLE RICHARD SEEBORG  
 )  
 ) COURTROOM: SAN FRANCISCO  
 ) COURTHOUSE, COURTROOM 3 – 17TH  
 ) FLOOR, 450 GOLDEN GATE AVENUE,  
 ) SAN FRANCISCO CA 94102

1 Defendants respectfully request a continuance of the September 13, 2012 hearing date for  
2 Plaintiff Almy's motion for partial summary judgment, Dkt. No. 70, and Defendants' Motion to  
3 Dismiss or, in the alternative, Motion for Summary Judgment. Defendants request a two week  
4 extension of the hearing so that the parties may further discuss whether this case can be resolved  
5 without further litigation. This is the parties' second request for a continuance of the hearing.  
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7 For the convenience of the parties and the Court, Defendants request that the parties'  
8 respective motions be briefed and heard together and propose the following schedule:

- 9 • August 10 – Defendants will file their Opposition to Plaintiff Almy's motion and  
10 their motion to dismiss or, in the alternative, for summary judgment;
- 11 • August 24 – Plaintiff Almy will file his reply in support of his motion and his  
12 opposition to Defendants' motion;
- 13 • September 13 – Defendants will file their reply in support of their motion; and  
14 • September 27 – The parties' respective motions will be heard.  
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16 Counsel for Defendants consulted with counsel for Plaintiff Almy regarding this motion on  
17 August 3, 2012, and counsel for Mr. Almy does not object to this motion, the continuance, or the  
18 proposed schedule set forth above. A declaration and proposed order accompany this motion.  
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1 DATED: August 3, 2012

Respectfully submitted,

2 STUART F. DELERY  
3 Acting Assistant Attorney General

4 IAN HEATH GERSHENGORN  
5 Deputy Assistant Attorney General,  
6 Civil Division

7 MELINDA L. HAAG  
8 United States Attorney

9 VINCENT M. GARVEY  
10 Deputy Director

11  
12 /s/ Paul G. Freeborne  
13 PAUL G. FREEBORNE  
14 RYAN B. PARKER  
15 U.S. Department of Justice, Civil Division  
16 *Attorneys for the Federal Defendants*  
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