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 MICHAEL D. ALMY

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 MICHAEL ALMY, JASON KNIGHT, and
 16 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.

Case No. cv 10-5627 (RS)

**CASE MANAGEMENT STATEMENT
 AND PROPOSED ORDER**

DATE: SEPTEMBER 13, 2012
TIME: 10:00 A.M.
COURTROOM: 3, 17TH 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 10 days prior to the subsequent case management conference scheduled
3 in this case. The parties jointly submit this Supplemental Case Management Statement and
4 Proposed Order and request the Court to adopt it as a Supplemental Case Management Order in
5 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, on July 5, 2012, Plaintiff filed a modified version of the original
10 motion for partial summary judgment, seeking relief as to Mr. Almy's claims only. The parties
11 have not reached an out-of-court resolution to the case, and so it is anticipated that the matter will
12 proceed on the motion for summary judgment filed by Mr. Almy. However, the briefing on that
13 motion is currently stayed while the parties brief a motion for a protective order filed by
14 Mr. Almy. The hearing on Mr. Almy's motion for a protective order is currently set for October
15 4, 2012. Defendants intend to seek a continuance of that hearing to October 11, 2012. Because
16 Plaintiff does not oppose such a continuance, Defendants will file a stipulated order continuing
17 the hearing to October 11, 2012. It is anticipated that, in addition to opposing Mr. Almy's motion
18 for summary judgment and motion for a protective order, Defendants will file a motion to dismiss
19 or, in the alternative, for summary judgment once the motion for a protective order has been
20 decided.

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

23 The parties shall appear telephonically at the Case Management Conference on September
24 13, 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 September 6, 2012, in the City of San Diego, State of California.

/s/ M. Andrew Woodmansee
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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 September 13, 2012 meeting will go forward as scheduled, and the parties shall appear telephonically.

Dated: _____

United States District Judge