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12 Attorneys for Plaintiff
 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)

**STIPULATED JOINT
 ADMINISTRATIVE MOTION AND
 [PROPOSED] ORDER FOR STAY OF
 CURRENT BRIEFING SCHEDULE
 AND TO CREATE BRIEFING
 SCHEDULE ON MOTION FOR
 PROTECTIVE ORDER**

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1 In accordance with Northern District of California Local Rules 6-2, 7-11 and 7-12
2 plaintiff Michael Almy and the Government Defendants, by and through their respective counsel,
3 file this stipulated joint administrative motion for a stay of the current briefing schedule and to
4 create a briefing schedule on a motion for a protective order.

5 On August 10, 2012, Defendants in this matter are scheduled to file their Opposition to
6 Plaintiff Almy's Motion for Summary Judgment and their own Motion to Dismiss, or in the
7 alternative, Motion for Summary Judgment. Defendants have indicated that they intend to attach
8 documents and quote from documents that Plaintiff believes should be filed under seal.
9 Defendants disagree with Plaintiff's assessment of the confidentiality of these materials and,
10 pursuant to Federal Regulation 29 CFR 50.9, believe that it is appropriate to file them on the
11 public record.

12 The parties have met and conferred on this issue and have reached the following
13 agreement, subject to the Court's approval:

- 14 • that the briefing schedule set out in ECF No. 77 be stayed pending resolution of a
15 protective order regarding the material at issue;
- 16 • that Plaintiff files a Motion for Protective Order no later than August 24, 2012,
17 which shall be noticed for October 4, 2012 at 1:30 p.m.;
- 18 • that Defendant files an Opposition to the Motion for Protective Order no later than
19 September 7, 2012;
- 20 • that Plaintiff files a Reply to the Motion for Protective Order no later than
21 September 14, 2012.

22 Due to the dispute over the nature of the materials, the briefing on the Protective Order
23 shall be filed under seal pending resolution by the Court. To the extent the Court deems the
24 material at issue not to be "sealable," the briefing regarding the Motion for Protective Order shall
25 become public five (5) business days after the Court's ruling on the Motion for Protective Order.

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1 Also, five (5) business days following the Court’s ruling on the Motion for Protective
2 Order, the briefing for Plaintiff s Motion for Summary Judgment and Defendant’s Motion to
3 Dismiss, or in the alternative, Motion for Summary Judgment shall resume pursuant to a revised
4 briefing schedule ordered by the Court.

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6 Dated: August 9, 2012

M. ANDREW WOODMANSEE
STEPHANIE L. FONG
KIMBERLY R. GOSLING
JESSICA ANNE ROBERTS
MORRISON & FOERSTER LLP

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JOHN M. GOODMAN
SERVICEMEMBERS LEGAL DEFENSE
NETWORK

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By: /s/ M. Andrew Woodmansee
M. ANDREW WOODMANSEE

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Attorneys for Plaintiff
MICHAEL ALMY

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: _____

United States District Court Judge

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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)

**DECLARATION OF
 JESSICA ROBERTS IN SUPPORT OF
 STIPULATED JOINT
 ADMINISTRATIVE MOTION AND
 [PROPOSED] ORDER FOR STAY OF
 CURRENT BRIEFING SCHEDULE
 AND TO CREATE BRIEFING
 SCHEDULE ON MOTION FOR
 PROTECTIVE ORDER**

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1 I, Jessica Roberts, hereby declare as follows:

2 1. I am a member of the bar of the State of California. I am an associate with the law
3 firm of Morrison & Foerster LLP, counsel for plaintiff Michael D. Almy. I have personal
4 knowledge of the facts set forth herein, and if called upon to do so, I could and would testify
5 competently thereto.

6 2. On August 10, 2012, Defendants in this matter are scheduled to file their
7 Opposition to Plaintiff Almy’s motion for summary judgment and their own motion to dismiss, or
8 in the alternative, motion for summary judgment. See ECF No. 77.

9 3. Defendants have indicated that they intend to attach documents and quote from
10 documents that Plaintiff believes should be filed under seal. Defendants disagree with Plaintiff’s
11 assessment of the confidentiality of these materials and, pursuant to Federal Regulation 29 CFR
12 50.9, believe that it is appropriate to file them on the public record.

13 4. Until the Court resolves Plaintiff’s Motion for a Protective Order, the Parties
14 propose to stay the briefing schedule in this matter.

15 5. The briefing schedule at issue has been continued twice before. ECF No. 73, 76.

16 6. The proposed stay would continue the briefing until five (5) business days after the
17 Court’s ruling on the Protective Order, and then continue pursuant to a revised briefing schedule
18 ordered by the Court.

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

20 Executed on August 9, 2012, at San Diego, California.

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By: /s/ Jessica Roberts
Jessica Roberts
jroberts@mof.com

MORRISON & FOERSTER LLP
Attorneys for Plaintiff
Michael D. Almy

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 9th day of August, 2012, with a copy of this document via the Court's CM/ECF system.

/s/ Jessica Roberts
Jessica Roberts

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From: ECF-CAND@cad.uscourts.gov
To: efiling@cad.uscourts.gov
Subject: Activity in Case 3:10-cv-05627-RS Almy et al v. United States Department of Defense et al Motion to Stay
Date: Thursday, August 09, 2012 3:32:45 PM

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**U.S. District Court
California Northern District**

Notice of Electronic Filing

The following transaction was entered by Roberts, Jessica on 8/9/2012 at 3:29 PM and filed on 8/9/2012

Case Name: Almy et al v. United States Department of Defense et al
Case Number: [3:10-cv-05627-RS](#)
Filer: Michael D. Almy
Document Number: [78](#)

Docket Text:

[Joint MOTION to Stay Current Briefing Schedule and to Create Briefing Schedule on Motion for Protective Order filed by Michael D. Almy. Responses due by 8/23/2012. Replies due by 8/30/2012. \(Attachments: # \(1\) Declaration Jessica Roberts\)\(Roberts, Jessica\) \(Filed on 8/9/2012\)](#)

3:10-cv-05627-RS Notice has been electronically mailed to:

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3:10-cv-05627-RS Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

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DOCS\ALMY_DADT_Administrative_Motion_for_Protective_Order.pdf

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[STAMP CANDStamp_ID=977336130 [Date=8/9/2012] [FileNumber=8845668-0] [61a382da2c8f5fe9f70021ff4c113459f30d9248aad56651841f1ac3d028cf27649109d0d173dd8425c524e62bc7be229496ea1ad1de45c72a10f0aabe493cb9]]

Document description:Declaration Jessica Roberts

Original filename:C:\Users\ACE1\Desktop\E-FILE

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