

1 M. ANDREW WOODMANSEE (CA SBN 201780)
 MAWoodmansee@mofocom
 2 STEPHANIE L. FONG (CA SBN 240836)
 SFong@mofocom
 3 KIMBERLY R. GOSLING (CA SBN 247803)
 KGosling@mofocom
 4 JESSICA A. ROBERTS (CA SBN 265570)
 JRoberts@mofocom
 5 MORRISON & FOERSTER LLP
 12531 High Bluff Drive
 6 San Diego, California 92130-2040
 Telephone: 858.720.5100
 7 Facsimile: 858.720.5125

8 JOHN M. GOODMAN (DC SBN 383147)
 jgoodman@sldn.org
 9 SERVICEMEMBERS LEGAL DEFENSE NETWORK
 P. O. Box 65301
 10 Washington, DC 20035-5301
 Telephone: 202.328.3244
 11 Facsimile: 202.797.1635

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)

**STIPULATION TO STAY
 PROCEEDINGS**

1 **STIPULATION**

2 Pursuant to Civil Local Rules 6-2, 7-11, and 7-12, and for the reasons set forth below,
3 plaintiff Michael Almy and the Government Defendants file this stipulation to stay all
4 proceedings in this case.

5 On July 5, 2012, Plaintiff Almy filed a Motion for Partial Summary Judgment. (ECF No.
6 70.) Defendants’ opposition and their own Motion to Dismiss or, in the alternative, Motion for
7 Summary Judgment (collectively, with Plaintiff’s motion, the “Summary Judgment/Dismissal
8 Motions”), was due on August 10, 2012. Because Defendants indicated that they intended to
9 attach documents and quote from documents that Plaintiff believes should be filed under seal, the
10 parties stipulated that the briefing schedule on the two Summary Judgment/Dismissal Motions
11 should be stayed pending resolution of a protective order regarding the material at issue. (ECF
12 No. 78.) On August 9, 2012, the Court granted that stipulation. (ECF No. 79.)

13 On August 24, 2012, Plaintiff Almy filed a Motion for Protective Order under seal.
14 Defendants filed an opposition under seal on September 7, 2012, and Plaintiff filed a reply under
15 seal on September 14, 2012. The Motion for Protective Order was most recently set to be heard
16 by this Court on October 15, 2012, at 1:30 p.m. (ECF No. 89.) On October 10, 2012, the Court
17 vacated the October 15 hearing date and the motion was submitted without oral argument. (ECF
18 No. 90.) Five business days following the Court’s ruling on the Motion for Protective Order, the
19 briefing on the two Summary Judgment/Dismissal Motions shall resume pursuant to a revised
20 briefing schedule ordered by the Court. (ECF No. 79 at 3.)

21 The parties are currently discussing a potential resolution to this case without further
22 litigation. To continue exploring the possibility of such a resolution, and in the interest of judicial
23 economy, the parties have reached the following stipulation, subject to the Court’s approval:

- 24 • That all proceedings in this case—including the briefing on, and the Court’s
25 consideration of, the Motion for Protective Order and the two Summary
26 Judgment/Dismissal Motions—shall be stayed pending the completion of the
27 parties’ attempts to achieve a resolution outside this matter; and
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- That all briefing and further proceedings in this matter shall resume at the request of the Court or the parties should the parties be unable to resolve this matter in a timely manner without the Court's involvement.

Dated: October 11, 2012

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

JOHN M. GOODMAN
SERVICEMEMBERS LEGAL DEFENSE
NETWORK

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

Attorneys for Plaintiff
MICHAEL ALMY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 October 11, 2012, in the City of San Diego, State of California.

/s/ M. Andrew Woodmansee
M. ANDREW WOODMANSEE
12531 High Bluff Drive
San Diego, CA 92130
Phone: (858) 720-5100
Fax: (858) 720-5125
Email: mawoodmansee@mofa.com

Attorneys for Plaintiff Michael D. Almy

/s/ Paul G. Freeborne
PAUL G. FREEBORNE
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW, Room 6108
Washington DC 20001
Phone: (202) 353-0543
Fax: (202) 616-8460
Email: paul.freeborne.usdoj.gov

Attorneys for the Federal Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 11th day of October, 2012, with a copy of this document via the Court's CM/ECF system.

/s/ M. Andrew Woodmansee
M. Andrew Woodmansee