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13 Attorneys for Federal Defendants

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 15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 17 San Francisco Division

18 TRI-VALLEY CARES,
 19 Plaintiffs,
 20 vs.

21 UNITED STATES DEPARTMENT OF
 22 ENERGY and NATIONAL NUCLEAR
 SECURITY ADMINISTRATION, an agency
 23 of the U.S. Department of Energy,
 24 Defendants.

) Case No.: 10-cv-5923 RS

) **JOINT STIPULATION AND**
) **~~[PROPOSED]~~ ORDER TO RESCHEDULE**
) **INITIAL CASE MANAGEMENT**
) **CONFERENCE**

25 Plaintiff Tri-Valley CAREs, Defendant United States Department of Energy, *et. al.*, by and
 26 through their respective counsel, hereby stipulate as follows:

27 WHEREAS, pursuant to the Clerk’s Notice filed August 9, 2011, the further Case
 28 Management Conference in the above captioned case was rescheduled to be held on September

1 8, 2011 at 10:00 a.m. in Courtroom 3 on the 17th Floor of the United States Courthouse, 450
2 Golden Gate Avenue, San Francisco; and

3 WHEREAS, the parties agree that Defendants will provide to Plaintiff further responses
4 to certain FOIA requests on or before August 31, 2011; and

5 WHEREAS, Plaintiff and Defendants desire to reschedule this further Case Management
6 Conference in the above captioned case to provide the parties with an additional two weeks to
7 review and discuss the further responses and other outstanding claims before preparing the Joint
8 Case Management Statement.

9 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and
10 Defendants, through their respective counsel of record, as follows:

- 11 1. The parties agree and request that the court order that the Case Management Conference
12 in the instant case, originally **scheduled to be held on Thursday, September 8, 2011 at**
13 **10:00 a.m.** in Courtroom 3 on the 17th Floor of the United States Courthouse, 450 Golden
14 Gate Avenue, San Francisco, **shall be rescheduled to Thursday, September 22, 2011 at**
15 **10:00 a.m.** in that same location.
- 16 2. The parties shall file a Joint Case Management Statement at least one week prior to the
17 Conference.
- 18 3. The parties are close to settlement; the parties request a stay of the briefing schedule until the
19 schedule can be reset at the September 22, 2011 Case Management Conference.
- 20 4. The foregoing agreement is not intended, and may not be cited by any party, as admission
21 of any issue of fact or law in this or any other judicial or administrative proceeding.

22 Dated this 19st day of August, 2011

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25 /s/ Scott J. Yundt

26 Scott J. Yundt
27 Attorney for Plaintiff

/s/ Abraham Simmons

Abraham Simmons
Attorney for Defendants

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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Abraham Simmons.

Dated this 19th day of August, 2011

/s/ Scott J. Yundt
Scott J. Yundt
Attorney for Plaintiff

1 **~~PROPOSED~~ ORDER**

2 1. The Case Management Conference in the instant case, originally **scheduled to be held on**
3 **September 8, 2011 at 10:00 a.m.** in Courtroom 3 on the 17th Floor of the United States
4 Courthouse, 450 Golden Gate Avenue, San Francisco, **shall be rescheduled to September 22,**
5 **2011 at 10:00 a.m.** in that same location.
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8 IT IS SO ORDERED.
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10 DATED 8/19/11.
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13 **HONORABLE RICHARD SEEBORG**
14 **United States District Judge**

15 Presented by:

16 /s/Scott Yundt
17 Scott Yundt (CSB# 242595)
18 Attorney for Plaintiffs
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