

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 AMERICAN CIVIL LIBERTIES UNION) No. 12-cv-4008-MEJ
5 OF NORTHERN CALIFORNIA;)
6 SAN FRANCISCO BAY GUARDIAN,)
7 Plaintiffs,)
8 v.) STIPULATION RE:
9 DEPARTMENT OF JUSTICE) BRIEFING SCHEDULE
10 Defendant.)

11 The parties agree, subject to the Court's approval, to modify the current briefing schedule
12 so as to provide defendant with two additional business days in order to file its reply in support
13 of defendant's motion for partial summary judgment and in opposition to plaintiffs' cross-motion
14 for summary judgment. The parties do not wish to change any of the other deadlines in this case,
15 including the hearing currently set in this matter for August 22, 2013. In support thereof, the
16 parties state as follows:

17 1. Pursuant to previous stipulations filed by the parties, the Court adopted the
18 following briefing schedule regarding partial summary judgment for Parts 2-4 of plaintiffs'
19 FOIA request:

- 20 a. Defendant's opening brief shall be filed no later than June 6, 2013.
21 b. Plaintiffs' cross-motion (if any) and opposition shall be filed no later than
22 June 27, 2013.
23 c. Defendant's reply and opposition (if any) shall be filed no later than July
24 18, 2013.
25 d. Plaintiffs' reply (if any) shall be filed no later than August 8, 2013.
26 e. The hearing in this matter shall be held on August 22, 2013.

27
28
STIPULATION RE: BRIEFING SCHEDULE
Case No. 12-cv-4008-MEJ

1 Order, ECF No. 20, 02/22/2013.¹ Pursuant to that schedule, defendant has filed its motion for
2 partial summary judgment regarding parts 2-4 of the FOIA request, and plaintiffs have filed their
3 opposition and cross-motion for summary judgment. *See* ECF No. 23 (06/06/2013); ECF No. 25
4 (06/27/2013).

5 2. Undersigned counsel for defendant seeks, and undersigned counsel for plaintiffs
6 has agreed to, a modest, two-business-day extension for defendant to file its reply in support of
7 its motion for partial summary judgment and opposition to plaintiffs' cross-motion for summary
8 judgment. Undersigned counsel for defendant has multiple other litigation matters for which he
9 is the primary responsible attorney and, among other things, has had to travel for work for nearly
10 the entirety of this week. Accordingly, two extra business days will allow defendant adequate
11 time to finalize its brief.

12 3. If this Court grants the parties' stipulation, defendant's brief will be due on
13 Monday, July 22. This stipulation does not affect any other deadlines in this case, including the
14 deadline for plaintiffs' reply brief and the hearing set for August 22.

15 IT IS SO STIPULATED THIS 17TH DAY OF JULY, 2013:

16 /s/ Linda Lye
17 MICHAEL RISHER
18 LINDA LYE
19 American Civil Liberties Union
20 Foundation of Northern California
21 39 Drumm Street
22 San Francisco, CA 94111
23 Telephone: (415) 621-2493
24 Facsimile: (415) 255-8437
25 E-mail: llye@aclunc.org

26 *Attorneys for Plaintiffs*

STUART F. DELERY
Acting Assistant Attorney General
Civil Division

ELIZABETH J. SHAPIRO
Deputy Branch Director
Civil Division, Federal Programs Branch

/s/ Brad P. Rosenberg
BRAD P. ROSENBERG (D.C. Bar No. 467513)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
Telephone: (202) 514-3374
Facsimile: (202) 616-8460
E-mail: brad.rosenberg@usdoj.gov

Attorneys for Defendant

27 ¹ The Court subsequently adopted a separate briefing schedule regarding partial summary
28 judgment for Part 1 of the FOIA request. *See* Order, ECF No. 22, 05/13/2013. That schedule is
not affected by this Stipulation.

1 **IT IS SO ORDERED THAT THE FOLLOWING BRIEFING SCHEDULE IS ADOPTED:**

2 For the parties' partial motions for summary judgment regarding Parts 2-4 of plaintiffs'
3 FOIA request, the briefing schedule shall remain as previously set by the Court, but modified as
4 follows:

- 5 a. Defendant's reply in support of its motion for partial summary judgment
6 and opposition to plaintiffs' cross-motion for summary judgment (not to
7 exceed 25 pages) shall be filed no later than July 22, 2013.
- 8 b. Plaintiffs' reply (not to exceed 25 pages) shall be filed no later than
9 August 8, 2013.
- 10 c. The hearing shall be held on August 22, 2013.

11
12 
13 _____
14 Judge Maria-Elena James
15 United States Magistrate Judge

16 _____
17 July 18, 2013
18 _____
19 Date