

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 for Part 1 of plaintiffs' Freedom of Information Act ("FOIA") request. In support thereof, the
 13 parties state as follows:

14 1. As set forth in the parties' prior Case Management Statements, plaintiffs
 15 submitted a four-part FOIA request seeking records of the U.S. Attorney's Office for the
 16 Northern District of California pertaining to efforts to seek or obtain location information which
 17 helps ascertain the location of an individual or a particular device. Specifically, part 1 of
 18 plaintiffs' FOIA request seeks "[a]ll requests, subpoenas, and applications for court orders or
 19 warrants seeking location information since January 1, 2008." Parts 2, 3, and 4 of plaintiffs'
 20 FOIA request seeks various other categories of documents relating to efforts to obtain location
 21 information.

22 2. Pursuant to the parties' October 23, 2013 Joint Case Management Statement,
 23 defendant's reply in support of its motion for summary judgment as to part 1 and opposition to
 24 plaintiffs' cross-motion for summary judgment as to part 1 is due on December 5, 2013.
 25 Plaintiffs' reply in support of their cross-motion for summary judgment as to part 1 is due on
 26 December 19. *See* ECF No. 47, 10/23/2013. This Court entered an Order setting those dates, as
 27 well as a hearing date of January 9, 2014. *See* Order, ECF No. 51, 11/04/2013.

28 3. This Court subsequently modified its order and reset the hearing date to January
 30, 2014. *See* Order, ECF No. 52, 11/06/2013.

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

1 4. Due to a conflict in government counsel's schedule that will preclude him from
2 preparing a brief by December 5, defendant requests, and the plaintiffs have agreed, to modify
3 the briefing schedule regarding part 1 of the FOIA request, as follows:

4 a. Defendant's reply in support of its motion for summary judgment as to
5 part 1 and opposition to plaintiffs' cross-motion for summary judgment as
6 to part 1, not to exceed 25 pages, shall be filed no later than December 12,
7 2013.

8 b. Plaintiffs' reply in support of their cross-motion for summary judgment as
9 to part 1, not to exceed 25 pages, shall be filed no later than December 20,
10 2013.

11 5. The parties do not propose to alter the January 30, 2014 hearing date previously
12 set by the Court.

13
14 IT IS SO STIPULATED THIS 27TH DAY OF NOVEMBER, 2013:

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

21 *Attorneys for Plaintiffs*

STUART F. DELERY
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

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

2 For the parties' motions for summary judgment regarding Part 1 of plaintiffs' FOIA
3 request, the briefing schedule shall be modified as follows:

- 4 a. Defendant's reply in support of its motion for summary judgment as to
5 part 1 and opposition to plaintiffs' cross-motion for summary judgment as
6 to part 1, not to exceed 25 pages, shall be filed no later than December 12,
7 2013.
- 8 b. Plaintiffs' reply in support of their cross-motion for summary judgment as
9 to part 1, not to exceed 25 pages, shall be filed no later than December 20,
10 2013.
- 11 c. The hearing date of January 30, 2014 remains unchanged.

12
13
14 
15 _____
16 Judge Maria Elena James
17 United States Magistrate Judge

18
19
20
21
22
23
24
25
26
27
28

Date

