

DAVIS WRIGHT TREMAINE LLP

1 THOMAS R. BURKE (CA State Bar No. 141930)
 DAVIS WRIGHT TREMAINE LLP
 2 505 Montgomery Street, Suite 800
 San Francisco, California 94111
 3 Telephone: (415) 276-6500
 Facsimile: (415) 276-6599
 4 Email: thomasburke@dwt.com

5 DAVID HALPERIN (Admitted Hac Vice
 1530 P Street NW
 6 Washington, DC 20005
 Telephone: (202) 905-3434
 7 Email: davidhalperindc@gmail.com

8 Attorneys for Plaintiff Public.Resource.Org

9 MELINDA HAAG
 United States Attorney
 10 KATHRYN KENEALLY
 Assistant Attorney General, Tax Division
 11 YONATAN GELBLUM
 12 CHRISTOPHER W. SANDERS
 Trial Attorneys, Tax Division
 13 U.S. Department of Justice
 Post Office Box 227, Ben Franklin Station
 14 Washington, D.C. 20044
 15 Phone: (202) 616-1840/Fax: (202) 514-6866
 Email: Christopher.W.Sanders@usdoj.gov

16 Attorneys for Defendant United States Internal Revenue Service

17
 18 IN THE UNITED STATES DISTRICT COURT
 19 THE NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 PUBLIC.RESOURCE.ORG., a California non-)	Case No. 13-cv-02789 WHO
profit organization,)	
)	STIPULATION AND [PROPOSED]
22 Plaintiff,)	ORDER RESCHEDULING INITIAL
)	CASE MANAGEMENT CONFERENCE
23 v.)	AND HEARING AND BRIEFING RE
)	DEFENDANT’S MOTION TO DISMISS
24 UNITED STATES INTERNAL REVENUE)	
25 SERVICE,)	
)	
26 Defendant.)	

27 The parties, through their respective counsel of record, submit the following stipulation
 28 and request that the Court issue an order as requested:

1 WHEREAS, on September 3, 2013, defendant United States Internal Revenue Service
2 (“IRS”) filed a Motion to Dismiss (“the Motion”);

3 WHEREAS, the Motion is scheduled for hearing on October 9, 2013, but this date (and
4 other Wednesdays in October) conflict with previously scheduled teaching commitments at the
5 University of California, Berkeley for lead counsel for plaintiff;

6 WHEREAS, the Initial Case Management Conference in this matter is currently set for
7 September 17, 2013, and counsel for the parties believe that the conference will be more
8 productive if it is held after the Court has ruled on the IRS’s Motion;

9 WHEREAS, in light of these scheduling conflicts, counsel for the parties have agreed to
10 continue the motion hearing to October 23, 2013, and stipulated to a different briefing schedule;

11 NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

- 12 1. The October 9, 2013, hearing on defendant IRS’s Motion to Dismiss is continued to
- 13 October, 23, 2013, at 2:00 p.m. in Courtroom 2 of the above-captioned Court.
- 14 2. Opposition papers currently due on September 17, 2013, to be due on September 30,
- 15 2013.
- 16 3. Reply papers currently due on September 24, 2013, to be due on October 7, 2013.
- 17 4. The Initial Case Management Conference scheduled September 17, 2013, is vacated
- 18 and will be rescheduled by the Court to a date after the Court has ruled on the IRS’s
- 19 Motion to Dismiss.

20 IT IS SO STIPULATED

21 DATED this 10th day of September, 2013.

22
 23 MELINDA HAAG
 United States Attorney
 24 KATHRYN KENEALLY
 Assistant Attorney General, Tax Division
 25 YONATAN GELBLUM
 Trial Attorney, Tax Division
 26 By: /s/ Yonatan Gelblum
 YONATAN GELBLUM
 27 Attorneys for Defendant United States
 28 Internal Revenue Service

DAVIS WRIGHT TREMAINE LLP
 By: /s/ Thomas R. Burke
 THOMAS R. BURKE
 Attorneys for Plaintiff Public.Resource.Org

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

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Thomas R. Burke, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

/s/ Thomas R. Burke _____
Thomas R. Burke

[PROPOSED] ORDER

Pursuant to the parties' stipulation, and good cause appearing, the foregoing is approved and IT IS SO ORDERED.

Date: _____

United States District Court Judge