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

20 PUBLIC.RESOURCE.ORG., a California non-	)	Case No. 13-cv-02789 WHO
profit organization,	)	
21	)	<b>STIPULATION AND</b>
Plaintiff,	)	<b>ORDER RESCHEDULING REPLY</b>
22	)	<b>BRIEF DEADLINE ON DEFENDANT'S</b>
v.	)	<b>MOTION TO DISMISS</b>
23	)	
UNITED STATES INTERNAL REVENUE	)	
24 SERVICE,	)	
25	)	
Defendant.	)	

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

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

3           WHEREAS, on September 11, 2013, the Court approved a stipulation extending Plaintiff’s  
4 time to respond to September 30, 2013, and Defendant’s time to reply to October 7, 2013.

5           WHEREAS, Plaintiff filed its opposition on September 30, 2013;

6           WHEREAS, at the end of the same day, the appropriations act that had been funding the  
7 Department of Justice expired, and appropriations to the Department, as well as to the Internal  
8 Revenue Service, elapsed, and given the complexity of the issues in this case, the Department will  
9 need more time, even once funding is restored, to work with the Internal Revenue Service on a  
10 reply to Plaintiff’s opposition;

11           WHEREAS, absent an appropriation, Department of Justice attorneys and employees of  
12 the Internal Revenue Service are prohibited from working, even on a voluntary basis, except in  
13 very limited circumstances, including “emergencies involving the safety of human life or the  
14 protection of property.” 31 U.S.C. § 1342;

15           WHEREAS, once funding is restored, the Department and the Internal Revenue Service  
16 hope to file a reply within six business days.

17           WHERE, in light of the above, counsel for the parties have agreed to postpone  
18 Defendant’s time to reply until six business day after funding is restored, and will coordinate with  
19 the Court and each other should the delay necessitate postponement of the motion hearing  
20 currently scheduled for October 23, 2013;

21           NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

22           The reply currently due on October 7, 2013, may be filed within six business days after the  
23 Department and the Internal Revenue Service are funded.

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IT IS SO STIPULATED

DATED this 4<sup>th</sup> day of October, 2013.

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By: /s/ Thomas R. Burke  
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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Yonatan Gelblum, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

\_\_\_\_\_  
Yonatan Gelblum

**ORDER**

Pursuant to the parties' stipulation, and good cause appearing, the foregoing is approved and IT IS SO ORDERED. The hearing date for the motion to dismiss is off calendar. Defendant shall renote the hearing for a date not less than two weeks after its reply brief is filed.

Date: October 15, 2013

  
\_\_\_\_\_  
United States District Court Judge