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27 IN THE UNITED STATES DISTRICT COURT
28 THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

28 The parties, through their respective counsel of record, submit the following stipulation 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 December 18, 2013;

4 WHEREAS, the Initial Case Management Conference in this matter is also scheduled for
5 December 18, 2013;

6 WHEREAS, on November 15, 2013, the parties participated in an ADR Phone Conference
7 with the Court’s ADR Program Director pursuant to Civil Local Rule 16-8 and ADR Local Rule
8 3-5, and the parties agreed to participate in an ADR mediation session with a Court-appointed
9 mediator on or before February 11, 2014;

10 WHEREAS, the parties believe that the mediation session may help resolve their dispute,
11 and therefore it would be more efficient for the Court and the parties to continue the hearing on the
12 IRS’ Motion and the Initial Case Management Conference until after the mediation session;

13 NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

14 The hearing on the Motion to Dismiss and the Initial Case Management Conference
15 scheduled for December 18, 2013, are vacated and will be rescheduled by the Court to a date after
16 the parties participate in an ADR mediation session, which session shall take place on or before
17 February 11, 2013.

18 IT IS SO STIPULATED.

19 DATED this 27th day of November, 2013.

DAVIS WRIGHT TREMAINE LLP

20 MELINDA HAAG
21 United States Attorney
22 KATHRYN KENEALLY
23 Assistant Attorney General, Tax Division
24 YONATAN GELBLUM
25 Trial Attorney, Tax Division

By: /s/ Thomas R. Burke
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24 By: /s/ Yonatan Gelblum
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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

ORDER

Pursuant to the parties' stipulation, and good cause appearing, the foregoing is approved and IT IS SO ORDERED as **modified below**:

The parties shall re-calendar the Motion To Dismiss and Case Management Conference for hearing no later than March 19, 2014 on a Wednesday law and motion calendar if the mediation does not result in settlement, or shall notify the Court immediately if settlement is reached.

Date: December 2, 2013



United States District Court Judge