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29 IN THE UNITED STATES DISTRICT COURT
30 THE NORTHERN DISTRICT OF CALIFORNIA
31
32 SAN FRANCISCO DIVISION

33 PUBLIC.RESOURCE.ORG., a California non-)
34 profit organization,)

35 Plaintiff,)

36 v.)

37 UNITED STATES INTERNAL REVENUE)
38 SERVICE,)

39 Defendant.)

Case No. 13-cv-02789 WHO

40 **STIPULATION AND ORDER**
41 **RESCHEDULING HEARING ON**
42 **DEFENDANT’S MOTION TO DISMISS**
43 **AND INITIAL CASE MANAGEMENT**
44 **CONFERENCE**

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

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

5 WHEREAS, on November 14, 2013, the Court set a date of December 18, 2013, for the
6 hearing on the Motion and the Initial Case Management Conference (“CMC”);

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

11 WHEREAS, on December 2, 2013, pursuant to the parties’ stipulation, the Court continued
12 the hearing on the Motion and the CMC, and directed the parties to re-calendar the Motion and
13 CMC for hearing no later than March 19, 2014;

14 WHEREAS, the parties participated in an in-person mediation session with the Court-
15 appointed mediator on January 24, 2014, and two follow-up telephonic mediation sessions on
16 February 10, 2014, and March 5, 2014;

17 WHEREAS, the parties and the mediator have scheduled a further telephonic mediation
18 session for April 1, 2014;

19 WHEREAS, the parties have made considerable progress toward resolving their dispute,
20 but require additional time to reach a formal agreement, and therefore believe that it would be
21 more efficient for the Court and the parties to continue the hearing on the IRS’ Motion and the
22 CMC for an additional 90 days, subject to future extensions;

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NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

1. The Hearing on the Motion to Dismiss and the Initial Case Management Conference are continued until June 18, 2014, if the parties do not reach a settlement or the parties seek a further extension.
2. The parties will notify the Court immediately if settlement is reached.

IT IS SO STIPULATED.

DATED this 17th day of March, 2014.

DAVIS WRIGHT TREMAINE LLP

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 United States Attorney
 KATHRYN KENEALLY
 Assistant Attorney General, Tax Division
 YONATAN GELBLUM
 Trial Attorney, Tax Division
 By: /s/ Yonatan Gelblum _____
 YONATAN GELBLUM
 Attorneys for Defendant United States
 Internal Revenue Service

By: /s/ Thomas R. Burke _____
 THOMAS R. BURKE
 Attorneys for Plaintiff Public.Resource.Org

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

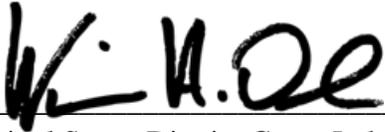
Pursuant to the parties' stipulation, and good cause appearing, the foregoing is approved and **as modified below IT IS SO ORDERED:**

1. The parties have had ample time to determine whether to resolve this case. Unless the parties notify the Court that a settlement has been reached, hearing on the Motion to Dismiss and the Initial Case Management Conference shall occur on **June 18, 2014.**

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2. The parties shall file a Joint Case Management Statement no later than June 11, 2014, setting forth, among other matters, a proposed case management schedule.

Date: March 18, 2014


United States District Court Judge