

1 STUART F. DELERY
 2 Assistant Attorney General
 3 COLIN A. KISOR
 4 Acting Director
 5 ELIZABETH J. STEVENS
 6 Assistant Director
 7 JENNIFER A. BOWEN
 8 Trial Attorney, District Court Section
 9 Office of Immigration Litigation
 10 Civil Division
 11 U.S. Department of Justice
 12 P.O. Box 868, Ben Franklin Station
 13 Washington, D.C. 20044
 14 Telephone: (202) 616-3558
 15 Email: *Jennifer.Bowen@usdoj.gov*

16 *Attorneys for Defendants*

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

21 AUDLEY BARRINGTON LYON,
 22 JR., *et al.*,

23 Plaintiffs,

24 vs.

25 U.S. IMMIGRATION &
 26 CUSTOMS ENFORCEMENT, *et*
 27 *al.*,

28 Defendants.

)
) Case No. 3:13-cv-05878-EMC
)
) **JOINT STIPULATION REGARDING**
) **SCHEDULE FOR BRIEFING ON**
) **MOTION TO CERTIFY CLASS (ECF**
) **NO. 14) AND HEARING ON**
) **MOTION UNDER CIVIL L.R. 6-2;**
) **[PROPOSED] ORDER**
) **Hearing:**
) **Date: April 3, 2014**
) **Time: 1:30 pm, Courtroom #5**
) **Judge: Edward M. Chen**
)
)

STIPULATED REQUEST FOR ORDER TO ENLARGE TIME
 No. 3:13-cv-05878-EMC

1
2 The Parties in the above-titled action hereby file this Joint Stipulation for an
3 Order under Civil L.R. 6-2 to set the briefing schedule on Plaintiffs' Motion for
4 Class Certification (ECF No. 14) ("Motion"). The Parties stipulate to the
5 following: Defendants will be allowed until Friday, **February 21, 2014**, to
6 respond to the Motion; Plaintiffs will be allowed until Friday, **March 7, 2014**, to
7 reply in support of the Motion; and any hearing on the Motion will be reset for
8 **April 3, 2014**. In support of this Joint Stipulation, the parties state the following:
9

10
11 (1) Plaintiffs Audley Barrington Lyon, Jr., Edgar Cornelio, José Elizandro
12 Astorga-Cervantes, and Lourdes Hernandez-Trujillo (collectively, "Plaintiffs")
13 filed a Complaint for Injunctive and Declaratory Relief ("Complaint") on behalf of
14 themselves and all others similarly situated on December 19, 2013. *See* ECF No. 1.
15

16
17 (2) Plaintiffs served the Complaint on the U.S. Attorney for the Northern
18 District of California on December 23, 2013, rendering Defendants' response to
19 the Complaint due by February 21, 2013. *See* ECF No. 6; Fed. R. Civ. P. 12(a)(2).
20

21
22 (3) Plaintiffs filed a Notice of Motion and Motion for Class Certification
23 and Appointment of Class Counsel; Memorandum of Points and Authorities in
24 Support Thereof ("Motion") on January 13, 2014. *See* ECF No. 14.
25

26
27 (4) This Court is scheduled to hold a hearing on February 27, 2014, on
28 the Motion. Defendants' response to the Motion is due by January 27, 2014. *See*

1 Civil L.R. 7-3 (“The opposition must be filed and served not more than 14 days
2 after the motion was filed.”).

3
4 (5) Absent this stipulated enlargement of time, Defendants’ response to
5 Plaintiffs’ Motion must be filed with the Court approximately four weeks –
6 twenty-five (25) days – prior to the date by which Defendants must respond to
7 Plaintiffs’ Complaint. *See supra.* ¶ 2.

8
9 (6) “A Court order is required for any enlargement or shortening of time
10 that alters an event or deadline already fixed by Court order or that involves papers
11 required to be filed or lodged with the Court (other than an initial response to the
12 complaint).” Civil L.R. 6-1(b).

13
14
15 (7) Counsel for Plaintiffs and counsel for Defendants have met and
16 conferred concerning due dates for responsive pleadings and for motions and briefs
17 that are contemplated.

18
19 (8) Counsel for Plaintiffs and counsel for Defendants have agreed to
20 extend the deadline for Defendants’ opposition to Plaintiffs’ Motion and Plaintiffs’
21 reply brief in support of their Motion.

22
23 (9) This is the first enlargement of time that the Parties have sought in
24 this action.

25
26 (10) This Stipulated Request to Enlarge Time is not intended for the
27 purpose of undue delay or prejudice.
28

1
2 **THEREFORE**, the Parties hereby stipulate to and respectfully request that
3
4 the Court order the following schedule:

5 (a) Defendants must respond to Plaintiffs' Motion for Class Certification
6
7 by **February 21, 2014**.

8 (b) Plaintiffs must file any reply brief in support of their Motion for Class
9
10 Certification by **March 7, 2014**.

11 (c) The hearing on Plaintiffs' Motion for Class Certification, currently
12
13 scheduled for Thursday, February 27, 2014, is reset for **April 3, 2014**, at 1:30pm.

14 **IT IS SO STIPULATED.**

15
16 //

17
18
19 //

20
21
22 //

1 Dated: January 24, 2014

U.S. DEPARTMENT OF JUSTICE
OFFICE OF IMMIGRATION LITIGATION

2
3 By: /s/ Jennifer A. Bowen
4 JENNIFER A. BOWEN

5 *Attorneys for Defendants*

6
7 Dated: January 24, 2014

ORRICK HERRINGTON & SUTCLIFFE LLP

8
9 By: /s/ Robert P. Varian
10 ROBERT P. VARIAN

11 AMERICAN CIVIL LIBERTIES UNION OF
12 NORTHERN CALIFORNIA, INC.

13 By: /s/ Julia Harumi Mass
14 JULIA HARUMI MASS
15 JINGNI (JENNY) ZHAO
16 MICHAEL TEMPLE RISHER

17 AMERICAN CIVIL LIBERTIES UNION
18 NATIONAL PRISON PROJECT

19 By: /s/ Carl Takei
20 CARL TAKEI

21 *Attorneys for Plaintiffs*

22
23
24 **IT IS SO ORDERED.**

25 Dated: 1/27/14



1 **CERTIFICATION OF CONCURRENCE FROM OTHER PARTIES**

2

3 I, Jennifer A. Bowen, am the ECF user whose ID and password are being

4 used to file this Joint Stipulation Regarding Schedule for Briefing on Motion to

5 Certify Class (ECF No. 14) and Hearing on Motion under Civil L.R. 6-2. In

6 compliance with General Order 45, X.B., I hereby certify that each of the other

7 signatories has concurred in the filing of this document and has authorized the use

8 of his/her electronic signature.

9

10

11

12

13 Dated: January 24, 2014

/s/ Jennifer A. Bowen
JENNIFER A. BOWEN
Trial Attorney, District Court Section
Office of Immigration Litigation
Civil Division
United States Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28