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38 CITY OF BERKELEY, et al.

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Joint Stipulation Extending Time for Defendants' Response  
To Plaintiffs' Amended Complaint and Modifying  
Briefing Schedule  
Case No.: CV-14-04916 WHA

1  
2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
4 SAN FRANCISCO DIVISION

5 CITY OF BERKELEY; MAYOR AND )  
6 MEMBERS OF THE CITY COUNCIL )  
7 OF THE CITY OF BERKELEY, )

8 Plaintiffs, )

9 v. )

10 UNITED STATES POSTAL SERVICE; )  
11 ESTATE, Service PACIFIC REGION, )

12 Defendants. )  
13 )

Case No.: CV-14-04916 WHA

**JOINT STIPULATION REQUESTING  
EXTENSION OF  
TIME FOR DEFENDANTS'  
RESPONSE TO PLAINTIFFS'  
AMENDED COMPLAINT AND  
MODIFYING BRIEFING SCHEDULE**

14 Subject to the Court's approval, the Parties stipulate as follows:

15 WHEREAS, on November 5, 2014, Plaintiffs filed a Complaint for Declaratory and  
16 Injunctive Relief (ECF No. 1) and a motion for a temporary restraining order and preliminary  
17 injunction (ECF No. 3), to enjoin named Federal Defendants from completing a sale of the  
18 Berkeley Post Office, located at 2000 Allston Way, Berkeley, California.

19 WHEREAS, on November 5, 2014, this Court granted Plaintiffs' request for a Temporary  
20 Restraining Order, enjoining Defendants from completing the sale of the Berkeley Post Office  
21 until a hearing on the motion for preliminary injunction could be conducted. This Court further  
22 extended the temporary restraining order until December 17, 2015, upon a Joint Stipulation filed  
23 by the parties that provided the closing deadline would not occur until December 22, 2014, that  
24 the Postal Service would not seek to close the sale until at least December 17, and that the Postal  
25 Service agreed to an extension of the temporary restraining order. *See* ECF No. 18.

26 WHEREAS, on December 5, 2014, the Parties provided this Court with notification of  
27 Joint Stipulation Extending Time for Defendants' Response  
28 To Plaintiffs' Amended Complaint and Modifying  
Briefing Schedule  
Case No.: CV-14-04916 WHA

1 the buyer's decision to terminate the purchase and sale agreement and of the Parties' agreement  
2 to: withdraw the preliminary injunction, that the Postal Service provide Plaintiffs and this Court  
3 with 45-days' notice prior to the closing of any future sale, and that the Defendants have until  
4 February 4, 2015, to respond to Plaintiffs' Complaint. ECF No. 38.

5 WHEREAS, upon receiving the Parties' notification, this Court vacated the temporary  
6 restraining order, denied Plaintiffs' preliminary injunction as moot and withdrawn, and requested  
7 that the parties appear on December 11, 2014, to discuss whether the case is moot and should be  
8 dismissed. ECF No. 39.

9 WHEREAS, as stated at the hearing on December 11, 2014, and ordered in this Court's  
10 Amended Scheduling Order, Plaintiffs shall file an amended complaint by December 31, 2014,  
11 and Defendants shall then have until January 8, 2015, to submit a motion to dismiss or other  
12 response. ECF No. 41.

13 WHEREAS, undersigned counsel for Federal Defendants requests an additional fourteen  
14 days to file a response to Plaintiffs' amended complaint, up to and including January 22, 2015.

15 WHEREAS, an extension of an additional fourteen days is a shorter time period than the  
16 previous agreement reached between the parties that would have set February 4, 2015, as a  
17 deadline for Defendants' responsive pleading to the original complaint.

18 WHEREAS, an additional fourteen days will allow the Federal Defendants to prepare a  
19 comprehensive and well-organized responsive pleading. It will also ensure that Federal  
20 Defendants have adequate time to complete the internal review process within the Department of  
21 Justice and the United States Postal Service.

22 WHEREAS, the Parties also agree to a stipulation that provides one additional week  
23 beyond the time allowed in Civil L.R. 7.3 for Plaintiffs' response and Defendants' reply:  
24 Plaintiffs' response to Defendants' responsive pleading would be due February 12, Defendants'  
25 reply due February 26, and the hearing on any motion to dismiss filed by Defendants, as well as  
26 the case management conference, continued to March 19, 2015.

27 Joint Stipulation Extending Time for Defendants' Response  
28 To Plaintiffs' Amended Complaint and Modifying  
Briefing Schedule  
Case No.: CV-14-04916 WHA

1 WHEREAS, the requested extension takes into account the complex nature of the  
2 briefing involved (*see* Commentary to Civil L.R. 7-2, 7-3), and also takes into account Plaintiffs'  
3 counsel's travel to Osaka, Japan from March 5 through March 11 for a water law conference.

4 WHEREAS, the requested extension will not unduly delay the proceedings in this matter.

5 NOW, THEREFORE, pursuant to Civil L.R. 6-2, and subject to the Court's approval, the  
6 Parties hereby stipulate that the time for Defendants to respond to the Amended Complaint in  
7 this matter shall be extended until and including January 22, 2015.

8 DATED: December 24, 2014

Respectfully submitted,  
9 SAM HIRSCH  
Acting Assistant Attorney General  
10 Environmental & Natural Resources Division

11 MELINDA HAAG  
United States Attorney

12  
13 By: /s/ Kenneth Rooney

14 KENNETH ROONEY (NMBN 128670)  
Trial Attorney<sup>1</sup>  
15 Natural Resources Section

16 ERICA BLACHMAN HITCHINGS  
17 SARA WINSLOW (DCBN 457643)  
Assistant United States Attorneys

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19 By: \_\_\_/s/ Antonio Rossmann  
20 ANTONIO ROSSMANN  
Special Counsel (SBN 51471)  
21 ROGER B. MOORE (SBN 51471)  
22 ROSSMANN AND MOORE, LLP


23 *Attorneys for Plaintiffs*  
24

25  
26 <sup>1</sup> I, Kenneth Dean Rooney, hereby attest that I obtained the concurrence in the filing of this  
document of all signatories whose signatures are represented by /s/.

1 **PROPOSED ORDER**

2 Pursuant to stipulation, IT IS SO ORDERED. Defendants shall have until January 22,  
3 2015, to respond to Plaintiffs' amended complaint. Plaintiffs' response to Defendants'  
4 responsive pleading is due February 12, and Defendants' reply is due February 26. The hearing  
5 on any motion to dismiss filed by Defendants, as well as the case management conference, are  
6 hereby continued to March 19, 2015, at 8:00 a.m.

7  
8 Date: December 29, 2014.

  
9 HONORABLE WILLIAM H. ALSUP  
10 UNITED STATES DISTRICT JUDGE