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 SECURITY
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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13	K. H., C.V., W.L., J.M., JEFFREY BOYER,)	Case No. 15-cv-02740 JST
14	BRIAN PIEROG, DONNA BAXTER,)	
15	RICHARD DEVIVO, and GARY)	STIPULATION AND [PROPOSED] ORDER
16	MCCONAGHY, on behalf of themselves and)	REGARDING CASE SCHEDULE
17	those similarly situated,)	
18	Plaintiffs,)	The Honorable Jon S. Tigar
19	v.)	
20	THE SECRETARY OF THE DEPARTMENT)	
21	OF HOMELAND SECURITY,)	
22	Defendant.)	

22 The parties respectfully request a three-week extension of the current case deadlines. (ECF 42.)
 23 The parties have been working diligently to move this case along. Since the last conference with the Court:
 24 both sides have propounded and responded to additional, written discovery; defendants have produced over
 25 12,000 pages of documents; 5 depositions have been taken (3 Federal Air Marshals, and 2 management
 26 representatives); the class list has been compiled and, on August 5, 2016, class notice was mailed out.
 27 Notwithstanding these efforts, some unanticipated delay has occurred with respect to plaintiff’s retention of
 28 an expert and the process of getting the expert’s background checked and Transportation Security

Administration clearance to receive Sensitive Security Information. Accordingly, plaintiffs need an additional three weeks to prepare their expert report. Defendant has no objection to a three-week extension, provided that all related case deadlines move in tandem. The parties thus respectfully request that the Court re-set the current case deadlines as follows:

<u>SCHEDULE EVENT</u>	<u>CURRENT DATE</u>	<u>NEW DATE</u>
Plaintiffs' Expert Disclosures (FRCP 26(a)(2))	August 15, 2016	September 6, 2017
Defendant's Expert Disclosures (FRCP 26(a)(2))	October 17, 2016	November 7, 2017
Deadline for Dispositive Motion Depositions	December 2, 2016	December 23, 2016
Filing Deadline for Defendant's Summary Judgment Motion (under seal, redacted version filed within 30 days) ¹	January 13, 2017	February 3, 2017
Filing Deadline for Plaintiff's Opposition to Defendant's Summary Judgment Motion (under seal, redacted version filed within 30 days)	February 10, 2017	March 3, 2017
Filing Deadline for Defendant's Reply in Support of Summary Judgment Motion (under seal, redacted version filed within 30 days)	March 8, 2017	March 29, 2017
Hearing on Defendant's Summary Judgment Motion	March 30, 2017 at 2:00 p.m.	April 20, 2017 at 2:00 p.m.

¹ Many of the documents regarding the Federal Air Marshal Service's operations contain Sensitive Security Information ("SSI"), as defined by federal regulation, 49 C.F.R. § 1520.5. TSA has a SSI Program Office that reviews court filings for SSI redaction. See generally 49 C.F.R. § 1520.5. Otherwise, "records containing SSI are not available for public inspection or copying." 49 C.F.R. § 1520.15. In order to protect this SSI, the parties request that they initially be permitted to file their class certification briefing under seal. Both sides' briefs will then be reviewed by the SSI Program Office for redactions, and publicly-available versions filed within 30 days.

1 DATED: August 15, 2016

Respectfully submitted,

2 BRIAN J. STRETCH
United States Attorney

3 /s/ Wendy M. Garbers
4 WENDY M. GARBERS
Assistant United States Attorney
5 Attorneys for Defendant

6 DATED: August 15, 2016

MORRIS POLICH & PURDY LLP

7
8 /s/ Nicholas M. Wieczorek *
9 NICHOLAS M. WIECZOREK
Attorneys for Plaintiff

10 *In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury
11 that all filers have concurred in the filing of this document.

12 **[PROPOSED] ORDER**

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14 Pursuant to the parties' stipulation, IT IS SO ORDERED.

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16 Dated: August 16, 2016

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19 THE HONORABLE JON S. TIGAR